

THE GREAT PARLIAMENTARY BATTLE  
AND FAREWELL ADDRESSES OF THE SOUTHERN SENATORS  
ON THE EVE OF THE CIVIL WAR

THOMAS RICAUD MARTIN

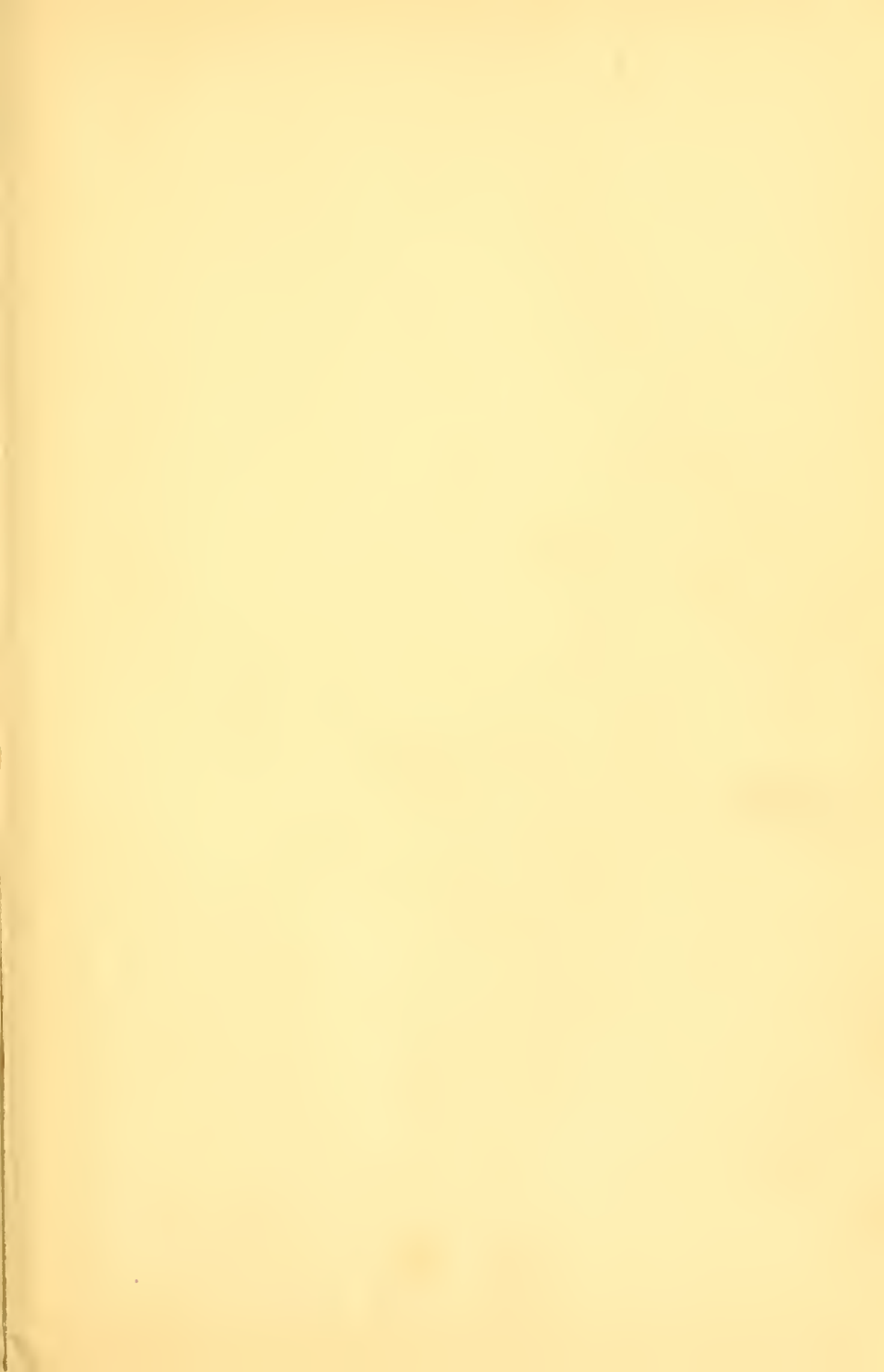


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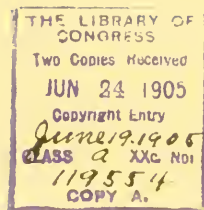
BY  
THOMAS RICAUD MARTIN

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THOMAS RICAUD MARTIN

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C. M. P. Apr. 28, 1911.



## GREAT SENATORS AND GREAT SPEECHES IN THE OLD SENATE CHAMBER

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The object of this volume is to call attention to the genius and character of the distinguished Southern Senators of antebellum days. A conspicuous place is assigned to Judah P. Benjamin, who intellectually was a towering figure among the senatorial leaders who figured in the old Senate Chamber on the eve of the Civil War. A sketch of his eventful and stormy life aims to emphasize the distinction he achieved in the United States and England in the field of law. Picture the life of the man who, in every sphere in which he figured, shed luster as a statesman, diplomat, writer and citizen. His farewell speech was delivered in the Senate February 5, 1861.

Brief sketches are presented of the brilliant Senators John C. Breckinridge, who graced the Vice-President's chair, and of the brave and accomplished Baker, of Oregon, who early won his spurs as a matchless orator and whose noble and heroic death at Ball's Bluff touched a sympathetic cord in the hearts of his countrymen.

Within these pages are the farewell speeches of the remarkable coterie of Southern Senators who surrendered their commissions to cast their fortunes

with the Confederacy. They were as distinguished a body of men as ever influenced a legislative assembly, and were great actors among the political forces of their day. These speeches give them rank among the great masters of English, eloquence, and style.

The period anterior to the Revolution produced a number of men who stand preëminent in American history for their intellectual powers and as the defenders of the Constitution. No greater names adorn the pages of American history than those of George Washington, Benjamin Franklin, John Hancock and Samuel Adams. These men sat in the convention that framed the Constitution of the United States. They were the great figures of the epoch at the birth of the American Republic.

The War of 1812 produced a group of men whose fame is dear to every American patriot.

The founders of the Government did not seem to foresee the sectional issues destined to overturn the policies they formulated, and that slavery would bring about an agitation that would shake the fabric of our Republic.

It was as late as 1820 that the changed condition became recognized and that the slavery issue had hoisted a danger signal that pointed to war. Thomas Jefferson speaks of it as falling "like a fire bell in the night." He wrote to his friend, Mr. Holmes: "I considered this agitation at once as the death knell of the Union. It is hushed indeed for the moment, but this is a reprieve only, not a final sentence; the geographical line coinciding with the marked principle moral and political."



The agitation over the Missouri Compromise in 1820 defined lines as between two confederacies, the one non-slaveholding and the other slaveholding, divisions that were to grow more and more apart, creating sectional animosities that would inflict wounds that could not be healed save by war,—cruel war,—blood and carnage, wounds so deep that only a revolution could satisfy the combatants, a revolution the grandest and saddest of modern times.

The period of 1832 stands out in our history as that of the great tariff debate, when the discussion emphasized the coming storm. It was the strong hand of Andrew Jackson that held the discordant elements at bay. In that famous Congress the debate assumed proportions that carried with it rumors of war, and some of the representatives in that Congress declared that before they would subscribe to the tariff bill then under discussion they would advocate nullification. This was a great Congress, and the men who constituted it used all their methods of compromise to avert what then seemed to be an impending struggle. Their efforts were crowned with success.

Then followed the period of 1850, when that galaxy of men, Webster, Clay, and Calhoun, debated the great compromise measures and analyzed the question whether the State had a right to secede, and when Mr. Webster conceded that the Constitution was a compact. The compromise measures of 1850 simply deferred what was to come a decade later.

The most eventful and sensational page of American history was opened at noon-day, December 1,

1861, when the Vice-President of the United States called the Senate to order. This Congress was destined to become more momentous than any of its predecessors. From the opening day until its close there were memorable scenes fraught with sensational episodes, and every day seemed to have its omen of a darker day that was to follow.

A small band of men represented the Southland in the Senate, among whom were R. M. T. Hunter and James M. Mason of Virginia; Thomas Bragg and Thomas L. Clingman of North Carolina; Clement C. Clay, Jr., and Benjamin Fitzpatrick of Alabama; Albert G. Brown and Jefferson Davis of Mississippi; Alfred Iverson and Robert Toombs of Georgia; Lazarus W. Powell and John J. Crittenden of Kentucky; David L. Yulee and Stephen K. Mallory of Florida; John Hemphill and Louis T. Wigfall of Texas. In this Senate sat Stephen A. Douglas, Edward D. Baker, Charles Sumner, and their colleagues, presenting a solid phalanx of opposition. The most striking figure in the forefront of the Civil War Senate was Judah P. Benjamin, the distinguished statesman and jurist from Louisiana. These men stand preëminent in the legislation of that day, and they fought the first battle of the Civil War. No more pathetic scene is recorded in history than the farewell departure of these men from the scene of their labors in the service of the United States Government when they surrendered their commissions to cast their lives and their fortunes with the cause of the Confederacy. The purpose of these pages is to recite some of the great and marvelous surprises of their lives and to present

to the reader the polished, brilliant, eloquent speeches delivered during this session of Congress. It is a senatorial page that has never been written. The writer should dip his pen in blood to tell the story of what these men aimed to tell to their countrymen.

It was on the eve of a fratricidal war. They stood in the calm of the coming storm that was soon to burst upon the country in all its fury, carrying devastation, ruin, and bloodshed in its fiery path. The power of language is inadequate to convey the suffering that was to fall upon the homes of the Southern people. No compromise could avert the impending struggle, and we had finally reached the point where the conflict had to be settled by the arbitrament of the sword. Noble men were to lay down their lives on the altar of conviction, while innocent women and children were to suffer what only the heart can feel and words cannot describe.

The great parliamentary battle as revealed in these speeches tells the story of the Nation's conflict with a fervor of eloquence that appeals to us even at this late day, though the heart-reaching voices have long since ceased to speak. These men, martyrs to a lost cause, lived and acted their part at a crucial period of our history, and their names should be preserved and live long after "storied urn and animated bust have gone to decay."

## THE OLD SENATE

THE GREAT DEBATE BETWEEN SENATOR JOHN C.  
BRECKINRIDGE OF KENTUCKY AND EDWARD D.  
BAKER OF OREGON

---

The old Senate was a grand-looking Chamber with its lofty dome; the Vice-President's chair beneath the eagle draped in folds of the American flag, its oval shape and its taper pillars supporting the lofty gallery. Before the senatorial gladiators, Breckinridge and Baker, who were to enter the arena of debate on the night of August first, 1861, sat an array of talent which has rarely, if ever, been equaled. Distinguished men of the nation sat near the speakers to hear, criticise, approve, or condemn. A graphic page was about to be written in the records of the American Congress. There was an expectancy floating around that something uncommon was to happen, and accordingly the galleries were packed.

The old Senate Chamber, though grand to look upon, was an acoustic failure and ordinarily the human voice reverberated through its lofty dome with a confused sound. Not so with the voice of Breckinridge—it had a silvery ring which in spite of his rapid enunciation could be heard distinctly in

every part of the Chamber. John C. Breckinridge was endowed with all the attributes of an orator. First of all a magnificent presence, then vigorous intellect with strong convictions completed his capacity for eloquence. The speech Mr. Breckinridge delivered on the night of Baker's memorable reply was a masterpiece of diction and replete with the fire of Southern oratory.

The old South of antebellum days typified the very embodiment of its ardent character in the person of John C. Breckinridge. Of the great debate in which he was about to participate, a Senator who was present said it was one of the most eloquent discussions that ever took place in legislative halls. "The cross-fire was full of scathing criticism and innuendo and the Senate sat spellbound for hours. We sat with breathless anxiety, when the clear voice of Breckinridge rang out 'Mr. President,' for he was recognized as an intrepid leader and formidable debater." His opening sentence at once arrested the attention of the galleries. It was a unique spectacle—the occurrences of that fateful night. The Southern Senators had retired some months before and Breckinridge stood alone, almost without a senatorial sympathizer to bestow upon him a nod or glance of favor. It was in this celebrated speech that Breckinridge threw out the ultimatum to his State and boldly proclaimed his purpose to cast his destiny and seal his fortunes with the Rebellion.

"If the Commonwealth of Kentucky," he said, "instead of attempting to mediate in this unfortunate struggle shall throw her energies into the strife

and approve the conduct and sustain the policy of the Federal Administration in what I believe to be a war of subjugation and annihilation, she may take her course. I am her son and will share her destiny, but she will be recognized by some other man on the floor of this Senate."

It was a sorrowful valedictory and farewell this great man was tendering to his old associates, for all recognized that it carried a prophecy too soon to be realized. A few weeks after, we find Breckinridge in the uniform of a Confederate soldier, fighting the battles and enduring the hardships of the Confederate Army. At the beginning of the delivery of this eloquent speech General Baker, fresh from the field of battle, in military dress, sword dangling at his side, entered the Senate Chamber and at once became a conspicuous and picturesque figure in the distinguished group of Senators surrounding the speaker. General Baker in this senatorial forum was to meet a foeman worthy of his steel. His speech is one of the most magnificent orations ever delivered in the halls of the American Congress. Clothed in the classic language of which he was master, it was at the same time vested and tintured with scathing criticism. Breckinridge had declared in substance that when the Senator from Oregon had indulged in the language that stamped upon him the stigma of a traitor, he had flaunted an insult in his face. Baker, with that nobility of character and speech that was ever present with him, made this reply:

"Mr. President, I rose a few minutes ago to endeavor to demonstrate to the Honorable Senator



from Kentucky that all these imaginations of his as to the unconstitutional character of the provisions of this bill were baseless and idle. I think every member of the Senate must be convinced from the manner of his reply that that conviction is beginning to get into his own mind; and I shall therefore leave him to settle the account with the people of Kentucky, about which he seems to have some predictions which I trust, with great personal respect to him, may, different from his usual predictions, become prophecy after the first Monday of August next."

When we recall all that took place on that night we see some meaning in what the great delineator of hearts said, that "all the world's a stage," and if we paraphrase, the men players. How well those men played their part! What a sad memorial we have to place on the finality of their work! Each represented opposite lines of thought and each was ready to die for his convictions. This night closed their legislative career, for soon after Baker sealed his convictions with his blood, while Breckinridge, after a fitful career in the Confederate cause, went into retirement.

One of the last utterances of Mr. Breckinridge in the Senate was: "My opinions are my own. I am not a man to cling to the forms of office and to the emoluments of public life against my convictions and my principles." His subsequent action sustained this declaration. He was a brave man.

## THE GREAT DEBATE

BETWEEN GEN. E. D. BAKER AND JOHN C. BRECK-  
INRIDGE OF KENTUCKY, WITH AN OUTLINE OF  
THE PRELIMINARY DISCUSSION

---

The Senate was called to order by the President pro tempore Thursday, August first, 1861.

Routine business was laid aside and on the motion of Senator Trumbull of Illinois, the Senate proceeded to the consideration of Senate Bill No. 33, which bill enacted—

“That any military commander in any district declared to be in a state of insurrection and war, may cause any person suspected of disloyalty to the Government of the United States to be brought before him and may administer or cause to be administered to such person an oath of allegiance as follows:

“ ‘ I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies whether domestic or foreign, and that I will bear true faith and loyalty to the same, any ordinance or resolution of any State convention or legislature to the contrary notwithstanding. I do this with a full deter-



mination and pledge, without any mental reservation or evasion whatever, so help me God.'

"Refusing to take such oath they shall be detained as prisoners until the restoration of quiet and peace in the locality where such arrests may have been made."

Mr. Bayard briefly addressed the Senate, declaring that the exigencies existing did not demand the enactment of such a law, saying:

"I think it involves very grave constitutional questions. If we are at war there is no doubt that the rights and usages of war belong to and apply to the war, without any bill passed on our part. That arises under the laws of nations and not under special legislation. I believe myself that we are at war. Nothing like this bill has ever been attempted before."

Senator Harris briefly stated that the features of the bill were novel, contemplating a state of things which was never before contemplated in this country. He said:

"Our Constitution was framed with no reference to such a state of things. We have a state of civil war. Here is a belt of country lying along the Virginia side of the Potomac in a perfect state of anarchy. Civil authority has disappeared; civil government no longer exists; crime is committed with impunity. What shall be done? I am credibly informed that, without process, arrests for high crime have been made and that now the jail at Alexandria is nearly filled with prisoners who have been committed on military authority without civil process. \* \* \* If our Army shall progress south-

ward, as I trust in God it will, there will be not only a belt of country along the borders of the Potomac, but we shall have the whole State of Virginia, and I hope still more territory which will be embraced within the considerations which the bill involves."

Senator Lyman Trumbull made these observations on the bill:

"Mr. President, I do not wish to detain the Senate or to press pertinaciously upon its consideration this bill. If a bill of this character is needed its necessity grows out of the emergencies of our condition, the anomalous state of affairs in the country. Now, sir, what do we find? The Senator from Kentucky thinks that this bill allows the military authority great power to arrest men. Are they not arrested now? Are not men arrested in the city of Baltimore and already in confinement and sent from Baltimore to other places to be confined? Are they not arrested in my State? Before I left home the military authorities in Illinois had arrested persons charged with treason. One of the very men captured in Camp Jackson in the State of Missouri with arms in his hands was discharged in the State of Illinois on a writ of *habeas corpus*, by the judge of our court.

"Mr. President and Senators, there is, in my judgment, resting upon us as heavy and as high a responsibility as was ever devolved upon men at any time in the history of the world. The existence of constitutional government is at stake. A Constitution devised, perhaps, by the wisest men who ever undertook to frame a government is threatened seriously with overthrow. An attempt is now made

to disrupt the Government. \* \* \* We are engaged in a civil war and I believe we have voted to raise \$500,000,000, to raise five hundred thousand volunteers to fight to maintain this Constitution. I oppose the postponement of the bill. Can it be possible that Senators of the United States in their hurry to get home for their personal convenience, when our brothers and our children are sleeping upon the ground, when we are taxing the people to their utmost capacity and when the blood of our citizens is to be poured out to sustain this Government, can Senators justify it to themselves to go away without maturing the bill?"

Senator Saulsbury advised the postponement of the bill because he believed, as he stated, every section of the bill to be violative of the Constitution of the United States. He said:

"I believe it is, in fact, making a dictator of the President of the United States, and that if it passes there will not be, in fact, a free citizen in the United States. Why, sir, if this bill passes the President of the United States can declare my State in rebellion tomorrow; he can declare the State of New York or any State in rebellion tomorrow; all that has to be done is for the military commander to make proclamation thereof and he can arraign before a court martial any citizen of the United States and subject him to trial by court martial instead of allowing him to be tried according to the law of the land. Sir, I have regarded this from its first introduction the most dangerous bill that was ever introduced, not only in this body, but into any legislative body of which I have had any knowledge that

has ever existed on the face of the earth. I think it clothes the President of the United States, if possible, with greater power than any dictator was ever clothed with in any period of Roman history."

Mr. Doolittle said:

"Mr. President, in the heat and excitement of this debate there are one or two ideas that ought not to be lost sight of. I refer to this talk about subjugation, and I hope that my friends on this side of the Chamber will not lose sight of it in the excitement of debate. I undertake to say that it is not the purpose of this war, or of this Administration, to subjugate any State of the Union or the people of any State of the Union. What is the policy? It is, as I said the other day, to enable the loyal people of the several States of this Union to reconstruct themselves upon the Constitution of the United States. Virginia has led the way; Virginia, in her sovereign capacity, by the assembled loyal people of that State in convention, has organized herself upon the Constitution of the United States and they have taken into their own hands the government of that State. \* \* \*

"Mr. President, I have heard a Senator denounce the President of the United States for the use of constitutional power. I undertake to say that without any foundation he makes such a charge of usurpation of unconstitutional power, unless it be in a mere matter of form. He has not, in substance; and the case I put to the Senator the other day he has not answered and I defy him to answer. I undertake to say that as there are fifty thousand men, perhaps, in arms against the United States in

Virginia within thirty miles of this Capital, I, as an individual, though I am not President, though I am clothed with no official authority, may ask one hundred thousand of my fellow-men to go with me with arms in our hands to take every one of them and if it be necessary to take their lives. Why do not some of these gentlemen who talk about usurpation and trampling the Constitution under foot, stand up here and answer that position or forever shut their mouths? \* \* \* Away then, with all this stuff and this splitting of hairs and pettifogging here, when we are within the very sound of the guns and of the armies who threaten to march upon the Capital and subjugate the Government."

At this stage of the discussion the Vice-President announced that the Senator from Kentucky was entitled to the floor.

#### THE GREAT DEBATE.

MR. BRECKINRIDGE. "I do not know how the Senate may vote upon this question; and I have heard some remarks which have dropped from certain Senators which have struck me with so much surprise, that I desire to say a few words in reply to them now.

*"This drama, sir, is beginning to open before us, and we begin to catch some idea of its magnitude. Appalled by the extent of it, and embarrassed by what they see before them and around them, the Senators who are themselves the most vehement in urging on this course of events, are beginning to quarrel among themselves as to the precise way in which to regulate it.*

"The Senator from Vermont objects to this bill because it puts a limitation on what he considers already existing powers on the part of the President. I wish to say a few words presently in regard to some provisions of this bill, and then the Senate and the country may judge of the extent of those powers of which this bill is a limitation.

"I endeavored, Mr. President, to demonstrate a short time ago, that the whole tendency of our proceedings was to trample the Constitution under our feet, and to conduct this contest without the slightest regard to its provisions. Everything that has occurred since, demonstrates that the view I took of the conduct and tendency of public affairs was correct. Already both Houses of Congress have passed a bill virtually to confiscate all the property in the States that have withdrawn, declaring in the bill to which I refer that all property of every description employed in any way to promote or aid in the insurrection, as it is denominated, shall be forfeited and confiscated. I need not say to you, sir, that all property of every kind is employed in those States, directly or indirectly, in aid of the contest they are waging, and consequently that bill is a general confiscation of all property there.

"As if afraid, however, that this general term might not apply to slave property, it adds an additional section. Although they were covered by the first section of the bill, to make sure of that, however, it adds another section, declaring that all persons held to service or labor, who shall be employed in any way to aid or promote the contest now waging, shall be discharged from such service and be-



come free. Nothing can be more apparent than that that is a general act of emancipation; because all the slaves in that country are employed in furnishing the means of subsistence and life to those who are prosecuting the contest; and it is an indirect but perfectly certain mode of carrying out the purposes contained in the bill introduced by the Senator from Kansas [Mr. Pomeroy]. It is doing under cover and by indirection, but certainly, what he proposes shall be done by direct proclamation of the President.

"Again, sir: to show that all these proceedings are characterized by an utter disregard of the Federal Constitution, what is happening around us every day? In the State of New York, some young man has been imprisoned by executive authority upon no distinct charge, and the military officer having him in charge refused to obey the writ of *habeas corpus* issued by a judge. What is the color of excuse for that action in the State of New York? As a Senator said, is New York in resistance to the Government? Is there any danger to the stability of the Government there? Then, sir, what reason will any Senator rise and give on this floor for the refusal to give to the civil authorities the body of a man taken by a military commander in the State of New York?

"Again: the police commissioners of Baltimore were arrested by military authority without any charges whatever. In vain they have asked for a specification. In vain they have sent a respectful protest to the Congress of the United States. In vain the House of Representatives, by resolution,

requested the President to furnish the representatives of the people with the grounds of their arrest. He answers the House of Representatives that, in his judgment, the public interest does not permit him to say why they were arrested, on what charges, or what he has done with them—and you call this liberty and law and proceedings for the preservation of the Constitution! They have been spirited off from one fortress to another, their locality unknown, and the President of the United States refuses, upon the application of the most numerous branch of the National Legislature, to furnish them with the grounds of their arrest, or to inform them what he has done with them.

“Sir, it was said the other day by the Senator from Illinois [Mr. Browning] that I had assailed the conduct of the Executive with vehemence, if not with malignity. I am not aware that I have done so. I criticised, with the freedom that belongs to the representative of a sovereign State and the people, the conduct of the Executive. I shall continue to do so as long as I hold a seat upon this floor, when, in my opinion, that conduct deserves criticism. Sir, I need not say that, in the midst of such events as surround us, I could not cherish personal animosity towards any human being. Towards that distinguished officer, I never did cherish it. Upon the contrary, I think more highly of him, as a man and an officer, than I do of many who are around him and who, perhaps, guide his counsels. I deem him to be personally an honest man, and I believe that he is trampling upon the Constitution of his country every day, with probably good



motives, under the counsels of those who influence him. But, sir, I have nothing now to say about the President. The proceedings of Congress have eclipsed the actions of the Executive; and if this bill shall become a law, the proceedings of the President will sink into absolute nothingness in the presence of the outrages upon personal and public liberty which have been perpetrated by the Congress of the United States.

"The Senator from Vermont objects to the bill because it puts a limitation upon already existing powers. Sir, let us look for a moment at the provisions of this bill. I shall speak presently of the Senator's notions of the laws of war. The first section of the bill authorizes the President of the United States to declare any of the military districts in a state of insurrection or actual rebellion against the United States. Those military districts are composed of States and of parts of States. When the President shall so declare, and he is authorized to do it in his discretion—there may, or there may not, be insurrection or rebellion: the President may say there is, and no man shall challenge his assertion—when that is done, the military commanders in those respective States or military districts shall give notice thereof, and what then follows? It provides in the second section that any military commander in one of those States or districts shall make and publish such police rules and regulations, conforming as nearly as may be to previously existing laws and regulations—not mere police rules and regulations, but just such rules and regulations as he may desire, conforming as nearly

as he may choose, in his discretion, to the existing laws of the several States or military districts, 'and all the civil authorities within said districts shall be bound to carry said rules and regulations into effect.' They are subordinated, at the discretion of the President, to the dictation of any of his subordinate military commanders.

"The third section provides:

"That if, from any cause whatever, the said civil authorities fail to execute the said rules and regulations'—

"So made by this subordinate military commander—

"the said military commander shall cause them to be executed and enforced by the military force under his command.'

"The fourth section authorizes, not the President, but any military commander in any of these districts, generals, colonels, majors, captains—if one of them should be the commander of a military district—in his discretion to suspend the writ of *habeas corpus*, and make return that he will not obey, to any judge that may issue it.

"Then, sir, if any person—not a camp follower, not any one subject to the rules and articles of war—but if any person—

"Shall be found in arms against the United States, or otherwise aiding and abetting their enemies or opposers, within any district of country to which it relates, and shall be taken by the forces of the United States, shall be either detained as prisoners for trial on the charge of treason or sedition, or other crimes and offenses which they may have committed whilst resisting the authority of the United States; or may, according to the circumstances of the case'—

"This to be judged of by this military commander—

"be at once placed before a court martial, to be dealt with according to the rules of war in respect to unorganized and lawless armed bands, not recognized as regular troops.'

"Or in his discretion may be discharged upon parole. The Constitution of the United States declares that the crime of treason and all other crimes shall be tried by a jury, and not by a military commander, or a drum-head court martial. The power to suspend the *habeas corpus* which Congress may do by the Constitution, but cannot delegate to the President, or any one else, it is proposed by this bill to authorize the President to delegate to any subordinate military authority—a power which he does not himself possess.

"The sixth section provides that—

"'No sentence of death pronounced by a court martial upon any person or persons taken in arms as aforesaid, shall be executed before it has been submitted to the commander of the military department within which the conviction has taken place, or to the Commanding General of the Army of the United States.'

"Sentence of death may be passed upon any person under these circumstances, with the approval either of the General-in-Chief of the Army or of the subordinate military commander who may have the control of the district in which he is taken.

"Sir, I do not at present comment upon the seventh section, in regard to persons put upon parole; nor the eighth section, which provides that any military commander may cause any person suspected of disloyalty to the United States to be brought

before him, and may administer, or cause to be administered, to such person an oath of allegiance—a very peculiar oath—an oath not alone to support the Constitution of the United States, but to bear true allegiance to many other things not provided for in the Constitution of the United States. There is no legitimate oath which can be put upon any one except an officer under the Government, and that oath is limited to a support of the Constitution of the United States; and I think the public liberties are at a low ebb when any military commander may seize, throughout the length and breadth of the land, any citizen suspected merely, and compel him to take such an oath as is prescribed by this bill.

“Then, Mr. President, without discussing the other points at present, how does it sum up? Let me take the State of Kentucky, for example. That State is a military district. Suppose that, for any cause, the President may choose to say that that State is in a condition of insurrection or rebellion—though she has suffered enough from violations of the Constitution committed by the Executive; although she has been clinging with her characteristic fidelity to the Union of the States—he is to be the sole judge of the facts; he is to declare that Kentucky, for example, is in a state of insurrection or rebellion. What follows? The military commander in charge of the United States forces in the district may then publish just such rules and regulations for the government of that Commonwealth as he may choose, making them conform as nearly as he may, in his discretion, to the existing laws of the State; and the civil authorities of that State are

to be bound by the rules and regulations of this military commander, and if they do not execute them, he is then to see that they are executed by the military force under his command.

“What is it, sir, but vesting first in the discretion of the President, to be by him detailed to a subaltern military commander, the authority to enter the Commonwealth of Kentucky, to abolish the State, to abolish the Executive, the Legislature, and the judiciary, and to substitute just such rules for the government of its people as that military commander may choose? Well might the Senator from Delaware [Mr. Saulsbury] say that this bill contains provisions conferring authority which never was exercised in the worst days of Rome, by the worst of her dictators. I have wondered why the bill was introduced. I have sometimes thought that possibly it was introduced for the purpose of preventing the expression of that reaction which is now evidently going on in the public mind against these procedures so fatal to constitutional liberty. The Army may be thus taxed, perhaps, to collect the enormous direct taxes for which preparation is now being made by Congress; and if in any part of Illinois, or Indiana, or New York, or any State, North or South, there shall be difficulty, or resistance, the President in his discretion may declare it to be in a state of insurrection, all the civil authorities may be overthrown, and his military commander may make rules and regulations, collect taxes, and execute the laws at his pleasure.

“Mr. President, gentlemen talk about the Union as if it was an end instead of a means. They talk

about it as if it was the Union of these States which alone had brought into life the principles of public and of personal liberty. Sir, they existed before and they may survive it. Take care that in pursuing one idea you do not destroy not only the Constitution of your country, but sever what remains of the Federal Union. These eternal and sacred principles of public and of personal liberty, which lived before the Union and will live forever and ever somewhere, must be respected; they cannot with impunity be overthrown; and if you force the people to the issue between any form of government and these priceless principles, that form of government will perish; they will tear it asunder as the irrepressible forces of nature rend whatever opposes them.

“Mr. President, I shall not long detain the Senate. I shall not enter now upon an elaborate discussion of all the principles involved in this bill, and all the consequences which, in my opinion, flow from it. A word in regard to what fell from the Senator from Vermont, the substance of which has been uttered by a great many Senators on this floor. What I tried to show some time ago has been substantially admitted. One Senator says that the Constitution is put aside in a struggle like this. Another Senator says that the condition of affairs is altogether abnormal, and that you cannot deal with them on constitutional principles, any more than you can deal by any of the regular operations of the laws of nature with an earthquake. The Senator from Vermont says that all these proceedings are to be conducted according to the laws of war; and he adds that the laws of war require many things to be done which



are absolutely forbidden in the Constitution; which Congress is prohibited from doing, and all other departments of the Government are forbidden from doing by the Constitution; but that they are proper under the laws of war, which must alone be the measure of our action now. I desire the country, then, to know this fact; that it is openly avowed upon this floor that constitutional limitations are no longer to be regarded; but that you are acting just as if there were two nations upon this continent, one arrayed against the other; some eighteen or twenty million on one side, and some ten or twelve million on the other; as to whom the Constitution is naught, and the laws of war alone apply.

"Sir, let the people, already beginning to pause and reflect upon the origin and nature and the probable consequences of this unhappy strife, get this idea fairly lodged in their minds—and it is a true one—and I will venture to say that the brave words which we now hear every day about crushing, subjugating, treason, and traitors, will not be so uttered the next time the representatives of the people and the States assemble beneath the dome of this Capitol."

MR. LANE, of Kansas. "With the consent of the Senator from Kentucky, I should like to ask him a question."

MR. BRECKINRIDGE. "I prefer that the Senator from Kansas should not at present interrupt me. I shall soon close what I have to say, and then he will be entitled to the floor."

"Then, sir, if the Constitution is really to be put aside, if the laws of war alone are to govern, and

whatever may be done by one independent nation at war with another, is to be done, why not act upon that practically? I do not hold that the clause of the Constitution which authorizes Congress to declare war, applies to any internal difficulties. I do not believe it applies to any of the political communities, bound together under the Constitution, in political association. I regard it as applying to external enemies. Nor do I believe that the Constitution of the United States ever contemplated the preservation of the Union of these States by one-half the States warring on the other half. It details particularly how military force shall be employed in this Federal system of Government, and it can be employed properly in no other way; it can be employed in aid of the civil tribunals. If there are no civil tribunals, if there is no mode by which the laws of the United States may be enforced in the manner prescribed by the Constitution, what follows? The remaining States may, if they choose, make war, but they do it outside of the Constitution; and the Federal system, as determined by the principles and terms of that instrument, does not provide for the case. It does provide for putting down insurrections, illegal uprisings of individuals, but it does not provide, in my opinion, either in its spirit or in its terms, for raising armies by one-half of the political communities that compose the Confederacy, for the purpose of subjugating the other half; and the very fact that it does not, is shown by the fact that you have to avow on the floor of the Senate the necessity for putting the Constitution aside, and conducting the whole contest



without regard to it, and in obedience solely to the laws of war.

"Then, if we are at war, if it is a case of war, treat it like war. Practically, it is being treated like war. The prisoners whom the United States have taken are not hung as traitors. The prisoners which the other States have taken are not hung as traitors. It is war. The Senator is right in saying it is war; but, in my opinion, it is not only an unhappy but an unconstitutional war. Why, then, all these proceedings upon the part of the Administration, refusing to send or to receive flags of truce; refusing to recognize the actual condition of affairs; refusing to do those acts which, if they do not terminate, may at least ameliorate the unhappy condition in which we find ourselves placed?

"So much, then, we know. We know that admitted violations of the Constitution have been made, and are justified. We know that we have conferred by legislation, and are, perhaps, still further by legislation to confer, authority to do acts not warranted by the Constitution of the United States. We have it openly avowed that the Constitution of the Union, which is the bond of association, at least, between those States that still adhere to the Federal Union, is no longer to be regarded. It is not enough to tell me that it has been violated by those communities that have seceded. Other States have not seceded; Kentucky has not seceded; Illinois has not seceded; some twenty States yet compose the Federal Union, nominally under this Constitution. As to them, that instrument, in its terms and in its spirit, is the bond of their connection under the Fed-

eral system. They have a right, as between themselves and their co-members of the Confederacy, to insist upon its being respected. If, indeed, it is to be put aside, and we are to go into a great continental struggle, they may pause to inquire what is to become of their liberties, and what their political connections are to be in a contest made without constitutional warrant, and in derogation of all the terms of the instrument. How can this be successfully controverted? Though you may have a right to trample under foot the Constitution, and to make war (as every power has a right to make war) against the States that have seceded, have you a right to violate it as to any of the adhering States, who insist upon fidelity to its provisions? No, sir.

"Mr. President, we are on the wrong tack; we have been from the beginning. The people begin to see it. Here we have been hurling gallant fellows on to death, and the blood of Americans has been shed—for what? They have shown their prowess, respectively—that which belongs to the race—and shown it like men. But for what have the United States soldiers, according to the exposition we have heard here to-day, been shedding their blood, and displaying their dauntless courage? It has been to carry out principles that three-fourths of them abhor; for the principles contained in this bill, and continually avowed on the floor of the Senate, are not shared, I venture to say, by one-fourth of the Army.

"I have said, sir, that we are on the wrong tack. Nothing but ruin, utter ruin, to the North, to the South, to the East, to the West, will follow the prosecution of this contest. You may look forward

to innumerable armies; you may look forward to countless treasures—all spent for the purpose of desolating and ravaging this continent; at the end leaving us just where we are now; or if the forces of the United States are successful in ravaging the whole South, what on earth will be done with it after that is accomplished? Are not gentlemen now perfectly satisfied that they have mistaken a people for a faction? Are they not perfectly satisfied that, to accomplish their object, it is necessary to subjugate, to conquer—ay, to exterminate—nearly ten millions of people? Do you not know it? Does not everybody know it? Does not the world know it? Let us pause, and let the Congress of the United States respond to the rising feeling all over this land in favor of peace. War is separation; in the language of an eminent gentleman now no more, it is disunion, eternal and final disunion. We have separation now; it is only made worse by war, and an utter extinction of all those sentiments of common interest and feeling which might lead to a political reunion founded upon consent and upon a conviction of its advantages. Let the war go on, however, and soon, in addition to the moans of widows and orphans all over this land, you will hear the cry of distress from those who want food and the comforts of life. The people will be unable to pay the grinding taxes which a fanatical spirit will attempt to impose upon them. Nay, more, sir; you will see further separation. I hope it is not ‘the sunset of life gives me mystical lore,’ but in my mind’s eye I plainly see ‘coming events cast their shadows before.’ The Pacific slope now, doubtless, is devoted to the union

of States. Let this war go on till they find the burdens of taxation greater than the burdens of a separate condition, and they will assert it. Let the war go on until they see the beautiful features of the old Confederacy beaten out of shape and comeliness by the brutalizing hand of war, and they will turn aside in disgust from the sickening spectacle, and become a separate nation. Fight twelve months longer, and the already opening differences that you see between New England and the great Northwest will develop themselves. You have two confederacies now. Fight twelve months, and you will have three; twelve months longer, and you will have four.

*"I will not enlarge upon it, sir. I am quite aware that all I say is received with a sneer of incredulity by the gentlemen who represent the far Northeast; but let the future determine who was right and who was wrong. We are making our record here; I, my humble one, amid the sneers and aversion of nearly all who surround me, giving my votes and uttering my utterances according to my convictions, with but few approving voices, and surrounded by scowls. The time will soon come, Senators, when history will put her final seal upon these proceedings, and if my name shall be recorded there, going along with yours as an actor in these scenes, I am willing to abide, fearlessly, her final judgment."*

At this juncture Senator Baker, who had been following the Kentucky Senator and making notes as he proceeded in his speech, was recognized by the Vice-President and immediately proceeded with this eloquent reply:

MR. BAKER. "Mr. President, it has not been my

fortune to participate in at any length, indeed, not to hear very much of, the discussion which has been going on—more, I think, in the hands of the Senator from Kentucky than anybody else—upon all the propositions connected with this war; and, as I really feel as sincerely as he can an earnest desire to preserve the Constitution of the United States for everybody, South as well as North, I have listened for some little time past to what he has said with an earnest desire to apprehend the point of his objection to this particular bill. And now—*waiving what I think is the elegant but loose declamation in which he chooses to indulge—I would propose, with my habitual respect for him* (for nobody is more courteous and more gentlemanly), to ask him if he will be kind enough to tell me what single particular provision there is in this bill which is in violation of the Constitution of the United States, which I have sworn to support—one distinct, single proposition in the bill.”

MR. BRECKINRIDGE. “I will state, in general terms, that every one of them is, in my opinion, flagrantly so, unless it may be the last. I will send the Senator the bill, and he may comment on the sections.”

MR. BAKER. “Pick out that one which is in your judgment most clearly so.”

MR. BRECKINRIDGE. “They are all, in my opinion, so equally atrocious that I dislike to discriminate. I will send the Senator the bill, and I tell him that every section, except the last, in my opinion, violates the Constitution of the United States; and of that last section, I express no opinion.”

MR. BAKER. "I had hoped that that respectful suggestion to the Senator would enable him to point out to me one, in his judgment, most clearly so, for they are not all alike—they are not equally atrocious."

MR. BRECKINRIDGE. "Very nearly. There are ten of them. The Senator can select which he pleases."

MR. BAKER. "Let me try then, if I must generalize as the Senator does, to see if I can get the scope and meaning of this bill. It is a bill providing that the President of the United States may declare, by proclamation, in a certain given statement of fact, certain territory within the United States to be in a condition of insurrection and war; which proclamation shall be extensively published within the district to which it relates. That is the first proposition. I ask him if that is unconstitutional? That is a plain question. Is it unconstitutional to give power to the President to declare a portion of the territory of the United States in a state of insurrection or rebellion? He will not dare to say it is."

MR. BRECKINRIDGE. "Mr. President, the Senator from Oregon is a very adroit debater, and he discovers, of course, the great advantage he would have if I were to allow him, occupying the floor, to ask me a series of questions, and then have his own criticisms made on them. When he has closed his speech, if I deem it necessary, I may make some reply. At present, however, I will answer that question. The State of Illinois, I believe, is a military district; the State of Kentucky is a military district. In my judgment, Congress has no right to confer



upon the President authority to declare a State in a condition of insurrection or rebellion."

MR. BAKER. "In the first place, the bill does not say a word about States. That is the first answer."

MR. BRECKINRIDGE. "Does not the Senator know, in fact, that those States compose military districts? It might as well have said 'States' as to describe what is a State."

MR. BAKER. "I do; and that is the reason why I suggest to the honorable Senator that this criticism about States does not mean anything at all. That is the very point. The objection certainly ought not to be that he can declare a part of a State in insurrection and not the whole of it. In point of fact, the Constitution of the United States, and the Congress of the United States acting upon it, are not treating of States, but of the territory comprising the United States; and I submit once more to his better judgment that it cannot be unconstitutional to allow the President to declare a county or a part of a county, or a town or a part of a town, or part of a State, or the whole of a State, or two States, or five States, in a condition of insurrection, if in his judgment that be the fact. That is not wrong.

"In the next place, it provides that, that being so, the military commander in that district may make and publish such police rules and regulations as he may deem necessary to suppress the rebellion and restore order and preserve the lives and property of citizens. I submit to him, if the President of the United States has power, or ought to have power, to suppress insurrection and rebellion, is there any better way to do it, or is there any other? The gentle-

man says, do it by the civil power. Look at the fact. The civil power is utterly overwhelmed; the courts are closed; the judges banished. Is the President not to execute the law? Is he to do it in person, or by his military commanders? Are they to do it with regulation, or without it? That is the only question.

“Mr. President, the honorable Senator says there is a state of war. The Senator from Vermont agrees with him; or rather, he agrees with the Senator from Vermont in that. What then? There is a state of public war; none the less war because it is urged from the other side; not the less war because it is unjust; not the less war because it is a war of insurrection and rebellion. It is still war; and I am willing to say it is public war—public as contradistinguished from private war. When then? Shall we carry that war on? Is it his duty as a Senator to carry it on? If so, how? By armies, under command; by military organization and authority, advancing to suppress insurrection and rebellion. Is that unconstitutional? Are we not bound to do, with whoever levies war against us, as we would do if he was a foreigner? There is no distinction as to the mode of carrying on war; we carry on war against an advancing army just the same, whether it be from Russia or from South Carolina. Will the honorable Senator tell me it is our duty to stay here, within fifteen miles of the enemy seeking to advance upon us every hour, and talk about nice questions of constitutional construction as to whether it is war or merely insurrection? No, sir. It is our duty to advance, if we can; to suppress insurrection; to put



down rebellion ; to dissipate the rising ; to scatter the enemy, and when we have done so, to preserve, in the terms of the bill, the liberty, lives, and property of the people of the country, by just and fair police regulations. I ask the Senator from Indiana [Mr. Lane], when we took Monterey, did we not do it there? When we took Mexico, did we not do it there? Is it not a part, a necessary, an indispensable part of war itself, that there shall be military regulations over the country conquered and held? Is that unconstitutional?

"I think it was a mere play of words that the Senator indulged in when he attempted to answer the Senator from New York. I did not understand the Senator from New York to mean anything else substantially but this, that the Constitution deals generally with a state of peace, and that when war is declared it leaves the condition of public affairs to be determined by the laws of war, in the country where the war exists. It is true that the Constitution of the United States does adopt the laws of war as a part of the instrument itself, during the continuance of war. The Constitution does not provide that spies shall be hung. Is it unconstitutional to hang a spy? There is no provision for it in terms in the Constitution ; but nobody denies the right, the power, the justice. Why? Because it is part of the law of war. The Constitution does not provide for the exchange of prisoners ; yet it may be done under the law of war. Indeed the Constitution does not provide that a prisoner may be taken at all ; yet his captivity is perfectly just and constitutional. It seems

to me that the Senator does not, will not, take that view of the subject.

"Again, sir, when a military commander advances, as I trust, if there are no more unexpected great reverses, he will advance, through Virginia and occupies the country, there, perhaps, as here, the civil law may be silent; there perhaps the civil officers may flee as ours have been compelled to flee. What then? If the civil law is silent, who shall control and regulate the conquered district—who but the military commander? As the Senator from Illinois has well said, shall it be done by regulation or without regulation? Shall the general, or the colonel, or the captain, be supreme, or shall he be regulated and ordered by the President of the United States? That is the sole question. The Senator has put it well.

"I agree that we ought to do all we can to limit, to restrain, to fetter the abuse of military power. Bayonets are at best illogical arguments. I am not willing, except as a case of sheerest necessity, ever to permit a military commander to exercise authority over life, liberty, and property. But, sir, it is part of the law of war; you cannot carry in the rear of your army your courts; you cannot organize juries; you cannot have trials according to the forms and ceremonial of the common law amid the clangor of arms, and somebody must enforce police regulations in a conquered or occupied district. I ask the Senator from Kentucky again respectfully, is that unconstitutional; or, if in the nature of war it must exist, even if there be no law passed by us to allow it, is it unconstitutional to regulate it? That is the

question, to which I do not think he will make a clear and distinct reply.

"Now, sir, I have shown him two sections of the bill which I do not think he will repeat earnestly are unconstitutional. I do not think that he will seriously deny that it is perfectly constitutional to limit, to regulate, to control, at the same time to confer and restrain authority in the hands of military commanders. I think it is wise and judicious to regulate it by virtue of powers to be placed in the hands of the President by law.

"Now, a few words, and a few only, as to the Senator's predictions. The Senator from Kentucky stands up here in a manly way in opposition to what he sees is the overwhelming sentiment of the Senate, and utters reproof, malediction, and prediction combined. Well, sir, it is not every prediction that is prophecy. It is the easiest thing in the world to do; there is nothing easier, except to be mistaken when we have predicted. I confess, Mr. President, that I would not have predicted three weeks ago the disasters which have overtaken our arms; and I do not think (if I were to predict now) that six months hence the Senator will indulge in the same tone of prediction which is his favorite key now. I would ask him what would you have us do now—a Confederate army within twenty miles of us, advancing, or threatening to advance, to overwhelm your Government; to shake the pillars of the Union; to bring it around your head, if you stay here, in ruins? Are we to stop and talk about an uprising sentiment in the North against the war? Are we to predict evil, and retire from what we predict? Is it not the man-

ly part to go on as we have begun, to raise money, and levy armies, to organize them, to prepare to advance; when we do advance, to regulate that advance by all the laws and regulations that civilization and humanity will allow in time of battle? Can we do anything more? To talk to us about stopping, is idle; we will never stop. Will the Senator yield to rebellion? Will he shrink from armed insurrection? Will his State justify it? Will its better public opinion allow it? Shall we send a flag of truce? What would he have? Or would he conduct this war so feebly, that the whole world would smile at us in derision? What would he have? These speeches of his, sown broadcast over the land, what clear distinct meaning have they? Are they not intended for disorganization in our very midst? Are they not intended to dull our weapons? Are they not intended to destroy our zeal? *Are they not intended to animate our enemies? Sir, are they not words of brilliant, polished treason, even in the very Capitol of the Confederacy?*" [Manifestations of applause in the galleries.]

THE PRESIDING OFFICER (Mr. Anthony in the chair). "Order."

MR. BAKER. "What would have been thought if, in another Capitol, in another Republic, in a yet more martial age, a Senator as grave, not more eloquent or dignified than the Senator from Kentucky, yet with the Roman purple flowing over his shoulders, had risen in his place, surrounded by all the illustrations of Roman glory, and declared that advancing Hannibal was just, and that Carthage ought to be dealt with in terms of peace? What would

have been thought if, after the battle of Cannæ, a Senator there had risen in his place and denounced every levy of the Roman people, every expenditure of its treasure, and every appeal to the old recollections and the old glories? Sir, a Senator, himself learned far more than myself in such lore [Mr. Fessenden], tells me, in a voice that I am glad is audible, that he would have been hurled from the Tarpeian rock. It is a grand commentary upon the American Constitution that we permit these words to be uttered. I ask the Senator to recollect, too, what, save to send aid and comfort to the enemy, do these predictions of his amount to? Every word thus uttered falls as a note of inspiration upon every Confederate ear. Every sound thus uttered is a word (and falling from his lips, a mighty word) of kindling and triumph to a foe that determines to advance. For me, I have no such word as a Senator to utter. For me, amid temporary defeat, disaster, disgrace, it seems that my duty calls me to utter another word, and that word is, bold, sudden, forward, determined war, according to the laws of war, by armies, by military commanders clothed with full power, advancing with all the past glories of the Republic urging them on to conquest.

“I do not stop to consider whether it is subjugation or not. It is compulsory obedience, not to my will; not to yours, sir; not to the will of any one man; not to the will of any one State; but compulsory obedience to the Constitution of the whole country. The Senator chose the other day again and again to animadvert on a single expression in a little speech which I delivered before the Senate, in

which I took occasion to say that if the people of the rebellious States would not govern themselves as States, they ought to be governed as Territories. The Senator knew full well then, for I explained it twice—he knows full well now—that on this side of the Chamber; nay, in this whole Chamber; nay, in this whole North and West; nay, in all the loyal States in all their breadth, there is not a man among us all who dreams of causing any man in the South to submit to any rule, either as to life, liberty, or property, that we ourselves do not willingly agree to yield to. Did he ever think of that? Subjugation for what? When we subjugate South Carolina, what shall we do? We shall compel its obedience to the Constitution of the United States; that is all. Why play upon words? We do not mean, we have never said, any more. If it be slavery that men should obey the Constitution their fathers fought for, let it be so. If it be freedom, it is freedom equally for them and for us. We propose to subjugate rebellion into loyalty; we propose to subjugate insurrection into peace; we propose to subjugate Confederate anarchy into constitutional Union liberty. The Senator well knows that we propose no more. I ask him, I appeal to his better judgment now, what does he imagine we intend to do, if fortunately we conquer Tennessee or South Carolina—call it ‘conquer,’ if you will, sir—what do we propose to do? They will have their courts still; they will have their ballot-boxes still; they will have their elections still; they will have their representatives upon this floor still; they will have taxation and representation still; they will have the writ of *habeas*



*corpus* still; they will have every privilege they ever had and all we desire. When the Confederate armies are scattered; when their leaders are banished from power; when the people return to a late repentant sense of the wrong they have done to a Government they never felt but in benignancy and blessing, then the Constitution made for all will be felt by all, like the descending rains from heaven which bless all alike. Is that subjugation? To restore what was, as it was, for the benefit of the whole country and of the whole human race, is all we desire and all we can have.

"Gentlemen talk about the Northeast. I appeal to Senators from the Northeast, is there a man in all your States who advances upon the South with any other idea but to restore the Constitution of the United States in its spirit and its unity? I never heard that one. I believe no man indulges in any dream of inflicting there any wrong to public liberty; and I respectfully tell the Senator from Kentucky that he persistently, earnestly, I will not say wilfully, misrepresents the sentiment of the North and West when he attempts to teach these doctrines to the Confederates of the South.

"Sir, while I am predicting, I will tell you another thing. This threat about money and men amounts to nothing. Some of the States which have been named in that connection, I know well. I know, as my friend from Illinois will bear me witness, his own State, very well. I am sure that no temporary defeat, no momentary disaster, will swerve that State either from its allegiance to the Union, or from its determination to preserve it. It

is not with us a question of money or of blood; it is a question involving considerations higher than these. When the Senator from Kentucky speaks of the Pacific, I see another distinguished friend from Illinois, now worthily representing one of the States on the Pacific [Mr. McDougall], who will bear me witness that I know that State too, well. I take the liberty—I know I but utter his sentiments in advance—of joining with him, to say that that State, quoting from the passage the gentleman himself has quoted, will be true to the Union to the last of her blood and her treasure. There may be there some disaffected; there may be some few men there who would ‘rather rule in hell than serve in heaven.’ There are such men everywhere. There are a few men there who have left the South for the good of the South; who are perverse, violent, destructive, revolutionary, and opposed to social order. A few, but a very few, thus formed and thus nurtured, in California and in Oregon, both persistently endeavoring to create and maintain mischief; but the great portion of our population are loyal to the core and in every chord of their hearts. They are offering through me—more to their own Senators every day from California, and indeed from Oregon—to add to the legions of this country, by the hundred and the thousand. They are willing to come thousands of miles with their arms on their shoulders, at their own expense, to share with the best offering of their heart’s blood in the great struggle of constitutional liberty. I tell the Senator that his predictions, sometimes for the South, sometimes for the Middle States, sometimes for the Northeast, and then wan-



dering away in airy visions out to the far Pacific, about the dread of our people, as for loss of blood and treasure, provoking them to disloyalty, are false in sentiment, false in fact, and false in loyalty. The Senator from Kentucky is mistaken in them all. Five hundred million dollars? What then? Great Britain gave more than two thousand million in the great battle for constitutional liberty which she led at one time almost single-handed against the world. Five hundred thousand men! What then? We have them; they are ours; they are the children of the country. They belong to the whole country; they are our sons; our kinsmen; and there are many of us who will give them all up before we will abate one word of our just demand, or will retreat one inch from the line which divides right from wrong.

"Sir, it is not a question of men or of money in that sense. All the money, all the men, are, in our judgment, well bestowed in such a cause. When we give them, we know their value. Knowing their value well, we give them with the more pride and the more joy. Sir, how can we retreat? Sir, how can we make peace? Who shall treat? What commissioners? Who would go? Upon what terms? Where is to be your boundary line? Where the end of the principles we shall have to give up? What will become of constitutional government? What will become of public liberty? What of past glories? What of future hopes? Shall we sink into the insignificance of the grave—a degraded, defeated, emasculated people, frightened by the results of one battle, and scared at the visions raised by the imagination of the Senator from Kentucky upon this

floor? No, sir; a thousand times, no, sir! We will rally—if, indeed, our words be necessary—we will rally the people, the loyal people, of the whole country. They will pour forth their treasure, their money, their men, without stint, without measure. The most peaceable man in this body may stamp his foot upon this Senate Chamber floor, as of old a warrior and a Senator did, and from that single tramp there will spring forth armed legions. Shall one battle determine the fate of empire, or a dozen? the loss of one thousand men or twenty thousand, or \$100,000,000 or \$500,000,000? In a year's peace, in ten years, at most, of peaceful progress, we can restore them all. There will be some graves reeking with blood, watered by the tears of affection. There will be some privation; there will be some loss of luxury; there will be somewhat more need for labor to procure the necessities of life. When that is said, all is said. If we have the country, the whole country, the Union, the Constitution, free government—with these there will return all the blessings of well-ordered civilization, the path of the country will be a career of greatness and of glory such as, in the olden times, our fathers saw in the dim visions of years yet to come, and such as would have been ours now, to-day, if it had not been for the treason for which the Senator too often seeks to apologize."

MR. BRECKINRIDGE. "I shall detain the Senate, sir, but a few moments in answer to one or two of the observations that fell from the Senator from California—"

MR. BAKER. "Oregon."

MR. BRECKINRIDGE. "The Senator seems to

have charge of the whole Pacific coast, though I do not mean to intimate that the Senators from California are not entirely able and willing to take care of their own State. They are. The Senator from Oregon, then.

"Mr. President, I have tried on more than one occasion in the Senate, in parliamentary and respectful language, to express my opinions in regard to the character of our Federal system, the relations of the States to the Federal Government, to the Constitution, the bond of the Federal political system. They differ utterly from those entertained by the Senator from Oregon. Evidently, by his line of argument, he regards this as an original, not a delegated Government, and he regards it as clothed with all those powers which belong to an original nation, not only with those powers which are delegated by the different political communities that compose it, and limited by the written Constitution that forms the bond of Union. I have tried to show that, in the view that I take of our Government, this war is an unconstitutional war. I do not think the Senator from Oregon has answered my argument. He asks, what must we do? As we progress southward and invade the country, must we not, said he, carry with us all the laws of war? I would not progress southward and invade the country.

"The President of the United States, as I again repeat, in my judgment only has the power to call out the military to assist the civil authority in executing the laws; and when the question assumes the magnitude and takes the form of a great political severance, and nearly half the members of the Con-

federacy withdraw themselves from it, what then? I have never held that one State or a number of States have a right without cause to break the compact of the Constitution. But what I mean to say is that you cannot then undertake to make war in the name of the Constitution. In my opinion they are out. You may conquer them; but do not attempt to do it under what I consider false political pretenses. However, sir, I will not enlarge upon that. I have developed these ideas again and again, and I do not care to reargue them. Hence the Senator and I start from entirely different standpoints, and his pretended replies are no replies at all.

"The Senator asks me, 'what would you have us do?' I have already intimated what I would have us do. I would have us stop the war. We can do it. I have tried to show that there is none of that inexorable necessity to continue this war which the Senator seems to suppose. I do not hold that constitutional liberty on this continent is bound up in this fratricidal, devastating, horrible contest. Upon the contrary, I fear it will find its grave in it. The Senator is mistaken in supposing that we can reunite these States by war. He is mistaken in supposing that eighteen or twenty million upon the one side can subjugate ten or twelve million upon the other; or, if they do subjugate them, that you can restore constitutional government as our fathers made it. You will have to govern them as Territories, as suggested by the Senator, if ever they are reduced to the dominion of the United States, or, as the Senator from Vermont called them, 'those rebellious provinces of this Union,' in his speech to-day. Sir, I

would prefer to see these States all reunited upon true constitutional principles to any other object that could be offered me in life; and to restore, upon the principles of our fathers, the Union of these States, to me the sacrifice of one unimportant life would be nothing; nothing, sir. But I infinitely prefer to see a peaceful separation of these States, than to see endless, aimless, devastating war, at the end of which I see the grave of public liberty and of personal freedom.

"The Senator asked if a Senator of Rome had uttered these things in the war between Carthage and that Power, how would he have been treated? Sir, the war between Carthage and Rome was altogether different from the war now waged between the United States and the Confederate States. I would have said—rather than avow the principle that one or the other must be subjugated, or perhaps both destroyed—let Carthage live and let Rome live, each pursuing its own course of policy and civilization.

"The Senator says that these opinions which I thus expressed, and have heretofore expressed, are but brilliant treason; and that it is a tribute to the character of our institutions that I am allowed to utter them upon the Senate floor. Mr. President, if I am speaking treason, I am not aware of it. I am speaking what I believe to be for the good of my country. If I am speaking treason, I am speaking it in my place in the Senate. By whose indulgence am I speaking? Not by any man's indulgence. I am speaking by the guarantees of that Constitution which seems to be here now so little respected. And, sir, when he asked what would have been done with

a Roman Senator who had uttered such words, a certain Senator on this floor, whose courage has much risen of late, replies in audible tones, 'he would have been hurled from the Tarpeian rock.' Sir, if ever we find an American Tarpeian rock, and a suitable victim is to be selected, the people will turn, not to me, but to that Senator who, according to the measure of his intellect and his heart, has been the chief author of the public misfortunes. He, and men like him, have brought the country to its present condition. Let him remember, too, sir, that while in ancient Rome the defenders of the public liberty were sometimes torn to pieces by the people, yet their memories were cherished in grateful remembrance; while to be hurled from the Tarpeian rock was ever the fate of usurpers and tyrants. I reply with the just indignation I ought to feel at such an insult offered on the floor of the Senate Chamber to a Senator who is speaking in his place.

"Mr. President, I shall not longer detain the Senate. My opinions are my own. They are honestly entertained. I do not believe that I have uttered one opinion here, in regard to this contest, that does not reflect the judgment of the people I have the honor to represent. If they do, I shall find my reward in the fearless utterance of their opinions; if they do not, I am not a man to cling to the forms of office and to the emoluments of public life against my convictions and my principles; and I repeat what I uttered the other day, that if indeed the Commonwealth of Kentucky, instead of attempting to mediate in this unfortunate struggle, shall throw her energies into the strife, and approve the conduct and



sustain the policy of the Federal Administration in what I believe to be a war of subjugation, and which is being proved every day to be a war of subjugation and annihilation, she may take her course. I am her son, and will share her destiny, but she will be represented by some other man on the floor of this Senate."

MR. BAKER. "Mr. President, I rose a few minutes ago to endeavor to demonstrate to the honorable Senator from Kentucky that all these imaginations of his as to the unconstitutional character of the provisions of this bill were baseless and idle. I think every member of the Senate must be convinced, from the manner of his reply, that that conviction is beginning to get into his own mind; and I shall therefore leave him to settle the account with the people of Kentucky, about which he seems to have some predictions, which, I trust, with great personal respect to him, may, different from his usual predictions, become prophecy after the first Monday of August next."

Thus closed the most sensational debate in the eloquent discussions of the 37th Congress.

## PEN PICTURES OF THE OLD SENATE AND THE NEW

### SENATOR JOHN J. CRITTENDEN'S GREAT SPEECH AND THE VICE-PRESIDENT'S ORATION

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The night of January 4, 1859, marked an event of uncommon interest in the legislative annals of our history. It was on this occasion that two of the great living actors and participants of the eventful scene set forth here delivered speeches which explained and illuminated the subject upon which they addressed the Senate.

John J. Crittenden and John C. Breckinridge were distinguished Kentuckians. Their speeches touched with a feeling of tenderness and thrilling interest the change of the old Senate Chamber to the new.

It was noteworthy that the United States Senate should make a choice of its orators of two men from the same State. It was suggestive as well that one of these men represented the type of the old school statesman, while the other was the true ideal of the new régime. It must have been a picturesque scene when the white-haired Crittenden, bent with age, took the floor on that historic night, the last time that he was to appear as a speaker in the old



Senate, the scene of 18 years of association with him, for through these years he had been a United States Senator. No man has ever appeared in the senatorial forum who has wielded stronger influence than Mr. Crittenden. If the term "golden speech" can be applied to the utterances of any of the men of that day it certainly belongs to all that he had to say on every occasion. He never spoke except to speak well and directly to the question that was the subject of discussion. He was not a combative man in temperament. The whole spirit of his mental make-up was compromise. His name will always be associated with the great compromise measures of 1860-61 in any review of great legislative events. He had striven to bring together the warring factions, but all efforts in this direction were futile. No man had the strength or power—the ability—to stem the tide. It was irresistible—rushing like a mighty torrent over all that came within its reach. Only a few days before, Mr. Crittenden had presented the credentials of his successor, John C. Breckinridge. At the close of this Congress he retired to his Ashland home, where he resumed the practice of his profession, for in all the years of his public life he had not saved a dollar above his salary. He was a man of strict integrity. When the Rebellion came, and the country was dealing with the issues of war, his only son entered the Confederate Army. After a brief period spent in retirement he was elected to the House of Representatives, and, true Roman as he was, while the position was regarded inferior in a sense to that he had held, he responded to the call of duty and took

his seat in the House of Representatives at the opening of the following Congress.

He served through this Congress with distinction, making some notable speeches, and returned again to the Southland. On the 14th day of April, 1863, he was stricken with paralysis in the city of Louisville, and after a brief illness passed to "the great beyond."

It might be said that on the night of this eventful speech he was the central figure. He was a striking contrast to the handsome, dashing, youthful Breckinridge, the very paragon of manliness in the healthful vigor of youth. Breckinridge's career is alluded to elsewhere in these pages. No Senator has ever stood on the floor of the United States Senate, in the flush of manhood, with a great future before him, with higher aspirations, greater opportunities, with as many honors in store, as seemed before John C. Breckinridge in this great hour of his fame and his power. It did not seem within the bounds of reason to contemplate this picture and to strike the change that was to follow within two brief years. How quick and rapid are the fortunes of men! Here he was to-night almost at the pinnacle of fame, in the thirty-fifth year of his age, and we find the same John C. Breckinridge three years later, dethroned of his power, leading the vanguard of a section of the Southern forces, an organized army, against what he termed "subjugation and annihilation." Breckinridge had a strange career. He was the last of the Senators of the mighty group from the South to resign from the Senate. His State alone had not honored him, because he had been

elected Vice-President of the United States, polling more votes in the electoral college than any candidate for that office had ever received. Compare the oration in the old Senate Chamber with the speech he delivered in the Senate Chamber on August 1, 1861, when he said, speaking to an amendment offered by the Senator from Virginia:

"Mr. President: The drama, sir, is beginning to open before us, and we begin to catch some idea of its magnitude. Appalled by the extent of it, and embarrassed by what they see before them and around them, the Senators who are themselves the most vehement in urging on this course of events are beginning to quarrel among themselves. \* \* \*

\* I wish to say a few words presently in regard to some of the provisions of this bill, and then the Senate and country may judge of the extent of those powers of which this bill is a limitation. I shall endeavor, Mr. President, to demonstrate that the whole tendency of our proceedings is to trample the Constitution under our feet, and to conduct this contest without the slightest regard to its provisions. Everything that has occurred since demonstrates that the view I took of the conduct and tendency of public affairs was correct. Already both Houses of Congress have passed a bill virtually to confiscate all the property in the States that have withdrawn, declaring in the bill to which I refer that 'all property of every description employed in any way to promote or to aid in the insurrection,' as it is denominated, 'shall be forfeited and confiscated.' I need not say, sir, that all property of every kind is employed in these States directly or indirectly in aid of

the contest they are waging, and consequently that bill is a joint confiscation of all property there."

The first speech breathes the love of country, full of the enthusiasm of a patriot. The second speech foreshadows the action on his part that seemed to bespeak the political influence that was about him, and forecasts the mantle of rebellion that was to fall upon him. Then followed the resignation that was to mark the beginning of the life which cast over him a political gloom from which he never recovered—the close of a great political career.

His military career was not a remarkable one. He first entered the campaign in Kentucky. He participated in the battle of Stone River, having risen previous to that date to the rank of major-general. He held an important command in Louisiana in the summer of 1863. On the 5th of August he attacked the Federal garrison at Baton Rouge and was repulsed. His later campaigns in East Tennessee and in Virginia have not brought him any enviable distinction as a military officer. It remains to be seen what he could accomplish as Confederate Secretary of War.

In later life he took up a work among the railroad corporations that was not congenial to him. It was remunerative, but he was never satisfied, and it never filled the longing that was within him. He seemed always to be looking backward. No doubt he encouraged the belief that some day his disabilities would be removed. Had the National Government conceded this to him there could be no question that he would have been returned to the United States Senate.

SPEECH OF CRITTENDEN OF KENTUCKY ON THE  
REMOVAL TO THE NEW HALL, TUESDAY, JANU-  
ARY 4, 1859

MR. CRITTENDEN. "I move you, Mr. President and Senators, that we proceed at once to the consideration of this report, and that it be adopted. That is the purpose for which I rise. Before, however, submitting that motion to the vote of the Senate, I hope that I may be indulged in a few words of parting from this Chamber. This is to be the last day of our session here; and this place, which has known us so long, is to know us no more forever as a Senate. The parting seems to me, sir, to be somewhat of a solemn one, and full of eventful recollections. I wish, however, only to say a few words.

"Many associations, pleasant and proud, bind us and our hearts to this place. We cannot but feel their influence, especially I, Mr. President, whose lot it has been to serve in this body more years than any other member now present. That we should all be attached to it, that my longer association should attach me to it, is most natural. Mr. President, we cannot quit this Chamber without some feeling of sacred sadness. This Chamber has been the scene of great events. Here questions of American constitutions and laws have been debated; questions of peace and war have been debated and decided; questions of empire have occupied the attention of this assemblage in times past; this was the grand theater upon which these things have been enacted. They give a sort of consecrated character to this Hall.

"Sir, great men have been the actors here. The

illustrious dead, that have distinguished this body in times past, naturally rise to our view on such an occasion. I speak only of what I have seen, and but partially of that, when I say that here, within these walls, I have seen men whose fame is not surpassed, and whose power and ability and patriotism are not surpassed, by anything of Grecian or of Roman name. I have seen Clay and Webster, and Calhoun and Benton, and Leigh and Wright, and Clayton (last though not least) mingling together in this body at one time, and uniting their counsels for the benefit of their country. They seem to our imagination and sensibilities, on such an occasion as this, to have left their impress on these very walls; and this majestic dome seems almost yet to echo with the voice of their eloquence. This Hall seems to be a local habitation for their names. This Hall is full of the pure odor of their justly-earned fame. There are others besides those I have named, of whom I will not speak, because they have not yet closed their careers—not yet ended their services to the country; and they will receive their reward hereafter. There are a host of others that I might mention—that deserve to be mentioned—but it would take too long. Their names are in no danger of being forgotten, nor their services unthought of or unhonored.

“Sir, we leave behind us, in going from this Hall, these associations, these proud imaginations so well calculated to prompt to a generous emulation of their services to their country; but we will carry along with us, to the new Chamber to which we go, the spirit and the memory of all these things; we



will carry with us all the inspiration which our illustrious predecessors are calculated to give; and wherever we sit we shall be the Senate of the United States of America—a great, a powerful, a conservative body in the government of this country, and a body that will maintain, as I trust and believe, under all circumstances and in all times to come, the honor, the right, and the glory of this country. Because we leave this Chamber, we shall not leave behind us any sentiment of patriotism, any devotion to which the illustrious exemplars that have gone before us have set to us. These, like our household gods, will be carried with us; and we, the representatives of the States of this mighty Union, will be found always equal, I trust, to the exigencies of any time that may come upon our country. No matter under what sky we may sit; no matter what dome may cover us; the great patriotic spirit of the Senate of the United States will be there; and I have an abiding confidence that it will never fail in the performance of its duty, sit where it may, even though it were in a desert.

“But it is yet, sir, not possible to leave this Hall without casting behind us many longing and lingering looks. It has been the scene of the past; the new Chamber is to be the scene of the future; and that future, I hope, will not be dishonored by any comparison to be made with the past. It, too, will have its illustrations of great public services rendered by great men and great patriots; and this body, the great preservative element of the Government, will discharge all its duties, taking care to preserve the Union of the States which they repre-

sent—the source of all their honors, the source of the trust which they sit here to execute, the source as it has been and as it will be of their country's greatness, happiness, and prosperity, in time to come as it has been in the time that is past.

“Mr. President, I cannot detain you longer. I move that the vote of the Senate be now taken on the report which has been presented, and that it be adopted.”

SPEECH OF J. C. BRECKINRIDGE OF KENTUCKY ON  
THE REMOVAL TO THE NEW HALL, TUESDAY,  
JANUARY 4, 1859

THE VICE-PRESIDENT: “Senators, I have been charged by the committee to whom you confided the arrangements of this day, with the duty of expressing some of the reflections that naturally occur in taking final leave of a Chamber which has so long been occupied by the Senate. In the progress of our country and the growth of the representation, this room has become too contracted for the representatives of the States now existing and soon to exist; and accordingly you are about to exchange it for a Hall affording accommodations adequate to the present and the future. The occasion suggests many interesting reminiscences; and it may be agreeable, in the first place, to occupy a few minutes with a short account of the various places at which Congress has assembled, of the struggles which preceded the permanent location of the seat of Government, and of the circumstances under which it was finally established on the banks of the Potomac.



"The Congress of the Revolution was sometimes a fugitive, holding its sessions, as the chances of war required, at Philadelphia, Baltimore, Lancaster, Annapolis, and Yorktown. During the period between the conclusion of peace and the commencement of the present Government it met at Princeton, Annapolis, Trenton, and New York.

"After the idea of a permanent Union had been executed in part by the adoption of the Articles of Confederation, the question presented itself of fixing a seat of Government, and this immediately called forth intense interest and rivalry.

"That the place should be central, having regard to the population and territory of the Confederacy, was the only point common to the contending parties. Propositions of all kinds were offered, debated, and rejected, sometimes with intemperate warmth. At length, on the 7th of October, 1783, the Congress being at Princeton, whither they had been driven from Philadelphia, by the insults of a body of armed men, it was resolved that a building for the use of Congress be erected near the falls of the Delaware. This was soon after modified by requiring suitable buildings to be also erected near the falls of the Potomac, that the residence of Congress might alternate between those places. But the question was not allowed to rest, and at length, after frequent and warm debates, it was resolved that the residence of Congress should continue at one place; and commissioners were appointed, with full power to lay out a district for a Federal town near the falls of the Delaware; and in the mean time Congress assembled alternately at Trenton and An-

napolis; but the representatives of other States were unremitting in exertions for their respective localities.

"On the 23d of December, 1784, it was resolved to remove to the city of New York, and to remain there until the building on the Delaware should be completed; and accordingly, on the 11th of January, 1785, the Congress met at New York, where they continued to hold their sessions until the Confederation gave place to the Constitution.

"The commissioners to lay out a town on the Delaware reported their proceedings to Congress; but no further steps were taken to carry the resolution into effect.

"When the bonds of union were drawn closer by the organization of the new Government under the Constitution, on the 3d of March, 1789, the subject was revived and discussed with greater warmth than before. It was conceded on all sides that the residence of Congress should continue at one place, and the prospect of stability in the Government invested the question with a deeper interest. Some members proposed New York, as being 'superior to any place they knew for the orderly and decent behavior of its inhabitants.' To this it was answered that it was not desirable that the political capital should be in a commercial metropolis. Others ridiculed the idea of building palaces in the woods. Mr. Gerry, of Massachusetts, thought it highly unreasonable to fix the seat of Government in such a position as to have nine States of the thirteen to the northward of the place; while the South Carolinians objected to Philadelphia on account of the

number of Quakers, who, they said, continually annoyed the Southern members with schemes of emancipation.

"In the midst of these disputes, the House of Representatives resolved, 'that the permanent seat of Government ought to be at some convenient place on the banks of the Susquehanna.' On the introduction of a bill to give effect to this resolution, much feeling was exhibited, especially by the Southern members. Mr. Madison thought if the proceedings of that day had been foreseen by Virginia, that State might not have become a party to the Constitution. The question was allowed by every member to be a matter of great importance. Mr. Scott said the future tranquillity and well-being of the United States depended as much on this as on any question that ever had, or could, come before Congress; and Mr. Fisher Ames remarked that every principle of pride and honor and even of patriotism was engaged. For a time, any agreement appeared to be impossible; but the good genius of our system finally prevailed, and on the 28th of June, 1790, an act was passed containing the following clause:

"That a district of territory on the river Potomac, at some place between the mouths of the eastern branch and the Canogochague, be, and the same is hereby, accepted, for the permanent seat of the Government of the United States.'

"The same act provided that Congress should hold its sessions at Philadelphia until the first Monday in November, 1800, when the Government should remove to the district selected on the Potomac. Thus was settled a question which had produced much sectional feeling between the States.

But all difficulties were not yet surmounted; for Congress, either from indifference, or the want of money, failed to make adequate appropriations for the erection of public buildings, and the commissioners were often reduced to great straits to maintain the progress of the work. Finding it impossible to borrow money in Europe, or to obtain it from Congress, Washington, in December, 1796, made a personal appeal to the Legislature of Maryland, which was responded to by an advance of \$100,000; but in so deplorable a condition was the credit of the Federal Government that the State required, as a guarantee of payment, the pledge of the private credit of the commissioners.

"From the beginning Washington had advocated the present seat of Government. Its establishment here was due, in a large measure, to his influence; it was his wisdom and prudence that settled disputes and conflicting titles; and it was chiefly through his personal influence that the funds were provided to prepare the buildings for the reception of the President and Congress.

"The wings of the Capitol having been sufficiently prepared, the Government removed to this district on the 17th of November, 1800; or as Mr. Wolcott expressed it, left the comforts of Philadelphia 'to go to the Indian place with the long name, in the woods on the Potomac.' I will not pause to describe the appearance, at that day, of the place where the city was to be. Contemporary accounts represent it as desolate in the extreme, with its long, unopened avenues and streets, its deep morasses, and its vast area covered with trees in-

stead of houses. It is enough to say that Washington projected the whole plan upon a scale of centuries, and that time enough remains to fill the measure of his great conception.

"The Senate continued to occupy the north wing, and the House of Representatives the south wing of the Capitol, until the 24th of August, 1814, when the British army entered the city and burned the public buildings. This occurred during the recess, and the President immediately convened the Congress. Both Houses met in a brick building known as Blodgett's Hotel, which occupied a part of the square now covered by the General Post Office. But the accommodations in that house being quite insufficient, a number of public-spirited citizens erected a more commodious building, on Capitol Hill, and tendered it to Congress; the offer was accepted, and both Houses continued to occupy it until the wings of the new Capitol were completed. This building yet stands on the street opposite to the northeastern corner of the Capitol Square, and has since been occasionally occupied by persons employed in different branches of the public service.

"On the 6th of December, 1819, the Senate assembled for the first time in this Chamber, which has been the theater of their deliberations for more than thirty-nine years, and now the strifes and uncertainties of the past are finished, we see around us on every side the proofs of stability and improvement; this Capitol is worthy of the Republic; noble public buildings meet the view on every hand; treasures of science and the arts begin to accumulate. As this flourishing city enlarges, it testifies to

the wisdom and forecast that dictated the plan of it. Future generations will not be disturbed with questions concerning the center of population, or of territory, since the steamboat, the railroad, and the telegraph have made communication almost instantaneous. The spot is sacred by a thousand memories, which are so many pledges that the City of Washington, founded by him and bearing his revered name, with its beautiful site, bounded by picturesque eminences, and the broad Potomac, and lying within view of his home and his tomb, shall remain forever the political capital of the United States.

"It would be interesting to note the gradual changes which have occurred in the practical working of the Government, since the adoption of the Constitution; and it may be appropriate to this occasion to remark one of the most striking of them.

"At the origin of the Government, the Senate seemed to be regarded chiefly as an executive council. The President often visited the Chamber and conferred personally with this body; most of its business was transacted with closed doors, and it took comparatively little part in the legislative debates. The rising and vigorous intellects of the country sought the arena of the House of Representatives as the appropriate theater for the display of their powers. Mr. Madison observed, on some occasion, that being a young man, and desiring to increase his reputation, he could not afford to enter the Senate; and it will be remembered, that, so late as 1812, the great debates which preceded the war and aroused the country to the asser-



tion of its rights, took place in the other branch of Congress. To such an extent was the idea of seclusion carried, that when this Chamber was completed, no seats were prepared for the accommodation of the public; and it was not until years afterwards that the semi-circular gallery was erected which admits the people to be witnesses of your proceedings. But now, the Senate, besides its peculiar relations to the Executive Department of the Government, assumes its full share of duty as a co-equal branch of the Legislature; indeed, from the limited number of its members, and for other obvious reasons, the most important questions, especially of foreign policy, are apt to pass first under discussion in this body, and to be a member of it is justly regarded as one of the highest honors which can be conferred on an American statesman.

"It is scarcely necessary to point out the causes of this change, or to say that it is a concession both to the importance and the individuality of the States, and to the free and open character of the Government.

"In connection with this easy but thorough transition, it is worthy of remark that it has been effected without a charge from any quarter that the Senate has transcended its constitutional sphere—a tribute at once to the moderation of the Senate, and another proof to thoughtful men of the comprehensive wisdom with which the framers of the Constitution secured essential principles without inconveniently embarrassing the action of the Government.

"The progress of this popular movement, in one



aspect of it, has been steady and marked. At the origin of the Government no arrangements in the Senate were made for spectators; in this Chamber about one-third of the space is allotted to the public; and in the new apartment the galleries cover two-thirds of its area. In all free countries the admission of the people to witness legislative proceedings is an essential element of public confidence; and it is not to be anticipated that this wholesome principle will ever be abused by the substitution of partial and interested demonstrations for the expression of a matured and enlightened public opinion. Yet it should never be forgotten that not France, but the turbulent spectators within the Hall, awed and controlled the French Assembly. With this lesson and its consequence before us, the time will never come when the deliberations of the Senate shall be swayed by the blandishments or the thunders of the galleries.

"It is impossible to disconnect from an occasion like this, a crowd of reflections on our own past history, and of speculations on the future. The most meager account of the Senate involves a summary of the progress of our country. From year to year you have seen your representation enlarge; time and again you have proudly welcomed a new sister into the Confederacy; and the occurrences of this day are a material and impressive proof of the growth and prosperity of the United States. Three periods in the history of the Senate mark, in striking contrast, three epochs in the history of the Union.

"On the 3d of March, 1789, when the Govern-

ment was organized under the Constitution, the Senate was composed of the representatives of eleven States, containing three million people.

"On the 6th of December, 1819, when the Senate met for the first time in this room, it was composed of the representatives of twenty-one States, containing nine million people.

"To-day it is composed of the representatives of thirty-two States, containing more than twenty-eight million people, prosperous, happy, and still devoted to constitutional liberty. Let these great facts speak for themselves to all the world.

"The career of the United States cannot be measured by that of any other people of whom history gives account; and the mind is almost appalled at the contemplation of the prodigious force which has marked their progress. Sixty-nine years ago, thirteen States containing three millions of inhabitants, burdened with debt, and exhausted by the long war of independence, established for their common good a free Constitution, on principles new to mankind, and began their experiment with the good wishes of a few doubting friends and the derision of the world. Look at the result to-day; twenty-eight millions of people, in every way happier than an equal number in any other part of the globe! the center of population and political power descending the western slopes of the Alleghany mountains, and the original thirteen States forming but the eastern margin on the map of our vast possessions. See besides Christianity, civilization, and the arts given to a continent; the despised Colonies grown into a Power of the first class, representing and protect-

ing ideas that involve the progress of the human race; a commerce greater than that of any other nation; every variety of climate, soil, and production to make a people powerful and happy; free interchange between the States—in a word, behold present greatness, and, in the future, an empire to which the ancient mistress of the world in the height of her glory could not be compared. Such is our country; ay, and more—far more than my mind could conceive or my tongue could utter. Is there an American who regrets the past? Is there one who will deride his country's laws, pervert her Constitution, or alienate her people? If there be such a man, let his memory descend to posterity laden with the execrations of all mankind.

“So happy is the political and social condition of the United States, and so accustomed are we to the secure enjoyment of a freedom elsewhere unknown, that we are apt to undervalue the treasures we possess, and to lose, in some degree, the sense of obligation to our forefathers. But when the strifes of faction shake the Government, and even threaten it, we may pause with advantage long enough to remember that we are reaping the reward of other men's labors. This liberty we inherit; this admirable Constitution, which has survived peace and war, prosperity and adversity; this double scheme of Government, State and Federal, so peculiar and so little understood by other Powers, yet which protects the earnings of industry, and makes the largest personal freedom compatible with public order. These great results were not acquired without wisdom and toil and blood. The touching and heroic

record is before the world; but to all this we were born, and, like heirs upon whom has been cast a great inheritance, have only the high duty to preserve, to extend, and to adorn it. The grand productions of the era in which the foundations of this Government were laid, reveal the deep sense its founders had of their obligations to the whole family of man. Let us never forget that the responsibilities imposed on this generation are by so much the greater than those which rested on our revolutionary ancestors, as the population, extent, and power of our country surpass the dawning promise of its origin.

"It would be a pleasing task to pursue many trains of thought, not wholly foreign to this occasion, but the temptation to enter the wide field must be vigorously curbed; yet I may be pardoned, perhaps, for one or two additional reflections.

"The Senate is assembled for the last time in this Chamber. Henceforth it will be converted to other uses; yet it must remain forever connected with great events, and sacred to the memories of the departed orators and statesmen who have engaged in high debates, and shaped the policy of their country. Hereafter the American and the stranger, as they wander through the Capitol, will turn with instinctive reverence to view the spot on which so many and great materials have accumulated for history. They will recall the images of the great and good, whose renown is the common property of the Union; and chiefly, perhaps, they will linger around the seats once occupied by the mighty three, whose names and fame, associated in life,

death has not been able to sever; illustrious men, who in their generation sometimes divided, sometimes led, and sometimes resisted public opinion—for they were of that higher class of statesmen who seek the right and follow their convictions.

“There sat Calhoun, *the* Senator, inflexible, austere, oppressed, but not overwhelmed by his deep sense of the importance of his public functions; seeking the truth, then fearlessly following it—a man whose unsparing intellect compelled all his emotions to harmonize with the deductions of his vigorous logic, and whose noble countenance habitually wore the expression of one engaged in the performance of high public duties.

“This was Webster’s seat. He, too, was even such a Senator. Conscious of his own vast powers, he reposed with confidence on himself; and scorning the contrivances of smaller men, he stood among his peers all the greater for the simple dignity of his senatorial demeanor. Type of his Northern home, he rises before the imagination, in the grand and granite outline of his form and intellect, like a great New England rock repelling a New England wave. As a writer, his productions will be cherished by statesmen and scholars while the English tongue is spoken. As a senatorial orator, his great efforts are historically associated with this Chamber, whose very air seems yet to vibrate beneath the strokes of his deep tones and his weighty words.

“On the outer circle, sat Henry Clay, with his impetuous and ardent nature untamed by age, and exhibiting in the Senate the same vehement patriot-

ism and passionate eloquence that of yore electrified the House of Representatives and the country. His extraordinary personal endowments, his courage, all his noble qualities, invested him with an individuality and a charm of character which, in any age, would have made him a favorite of history. He loved his country above all earthly objects. He loved liberty in all countries. Illustrious man!—orator, patriot, philanthropist—his light, at its meridian, was seen and felt in the remotest parts of the civilized world; and his declining sun, as it hastened down the west, threw back its level beams, in hues of mellowed splendor, to illuminate and to cheer the land he loved and served so well.

“All the States may point, with gratified pride, to the services in the Senate of their patriotic sons. Crowding the memory, come the names of Adams, Hayne, Mason, Otis, Macon, Pinckney, and the rest—I cannot number them—who, in record of their acts and utterances, appeal to their successors to give the Union a destiny not unworthy of the past. What models were these, to awaken emulation or to plunge in despair! Fortunate will be the American statesman, who in this age, or in succeeding times, shall contribute to invest the new Hall to which we go with historic memories like those which cluster here.

“And now, Senators, we leave this memorable Chamber bearing with us unimpaired the Constitution we received from our forefathers. Let us cherish it with grateful acknowledgments to the Divine Power who controls the destinies of empires and whose goodness we adore. The structures

reared by men yield to the corroding tooth of Time. These marble walls must molder into ruin; but the principles of constitutional liberty, guarded by wisdom and virtue, unlike material elements, do not decay. Let us devoutly trust that another Senate in another age shall bear to a new and larger Chamber this Constitution, vigorous and inviolate, and that the last generation of posterity shall witness the deliberations of the representatives of American States still united, prosperous and free."



THE GREAT PARLIAMENTARY BATTLE AND FARE-  
WELL ADDRESSES OF THE SOUTHERN SENATORS  
ON THE EVE OF THE CIVIL WAR

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The session of Congress of 1860-61 was remarkable for sensational argument and debate. The withdrawal of the Southern Senators upon surrendering their commissions as United States Senators made this session memorable in American history. The members of the House of Representatives from the seceding States, with one or two noteworthy exceptions, made no addresses. On the contrary, the Senators from the South delivered valedictories, a farewell to old associates in the Senate Chamber, abandoned their seats and returned to their respective States to identify themselves with the Rebellion.

The members of the House of Representatives in most cases withdrew, stating in a brief card before the Speaker that the people of their State had, in their sovereign capacity, resumed the powers delegated by them to the Federal Government of the United States, hence their connection with the House of Representatives was dissolved. Their method of withdrawal was brief and dignified.

The card of withdrawal of the Mississippi delegation was drawn by L. Q. C. Lamar of Mississippi, who had just embarked on his legislative career and was full of the fire of youth. He was a distinguished man in the affairs of the Southern Confederacy and his career afterward is noteworthy. He was one of the chosen few who recovered from the misfortunes of the Civil War and succeeded in re-establishing himself in the affections of his countrymen and lived to serve the National Government in positions of high honor and responsibility. He was returned after the war to the House of Representatives, where he rendered his State valuable services. For some years he was one of the great figures in the House. His great debate with James G. Blaine marks an interesting episode in the Lower House of Congress. He served as a U. S. Senator, and all through his senatorial career was one of the conceded leaders on the Democratic side of the Chamber. Later he became a member of the Cabinet of President Cleveland, where his ability was conceded by all and commanded the attention, not of the Cabinet alone, but of the entire country as well, so when President Cleveland appointed him to the Supreme Court Bench of the United States it met with general approval, and while serving in this capacity his judicial decisions were recognized for their fairness, sound law and elegant diction.

The Senators of the seceding States presented their case with a clear and logical analysis of the situation and with a ring and tone of fervor that bespoke the intensity of their convictions. After the lapse of forty years, when the curtain is lifted anew

on the great scenes of that day, we are enabled to say that the scenes "were charged with what men believed to be right and had the courage to publish to the living and to their posterity."

On January 21, 1861, the Senators from Florida, Alabama, and Mississippi formally withdrew from the Senate. Their speeches were full of lucid thought and they waged a strong manifesto against the free States for aiming to place their Government under the control of an anti-slavery Administration. The remarks of Senator Yulee excited deep interest because of the boldness of their declarations. He said that "the State of Florida through a convention of her people had decided to recall the powers she had delegated to the Federal Government and assume the full exercise of her sovereign rights as an independent and separate community." He was followed by his colleague, who besought the North "not to repeat the folly of contending that the South would submit to the degradation and constrained existence of a violated Constitution." "The subjection of the South by war is impossible," said Mr. Mallory. He hurled thunderbolts of invective at the North. "Remember," he said, "that you are dealing with a nation, and not a faction."

The formal announcement of withdrawal by Clement C. Clay, Jr., was received with a feeling of marked regret by his political opponents. Mr. Clay was a true representative of the Southern type of statesman of that day. His career in the Senate had been marked by a grace and mildness of temperament that made him beloved by all. In a re-

cent publication entitled "A Belle of the Fifties," by Mrs. Clay, of Alabama, there is a graphic account of the withdrawal of the Senators of antebellum days. Perhaps she can be best quoted by using her exact words, rather than distorted extracts:

"And now the morning dawned of what all knew would be a day of awful import. I accompanied my husband to the Senate, and everywhere the greeting or gaze of absorbed, unrecognizing men and women was serious and full of trouble. The galleries of the Senate, which held, it is estimated, a thousand people, were packed, principally with women, who, trembling with excitement, awaited the announcements of the day, as one by one Senators David Yulee, Stephen K. Mallory, Clement C. Clay, Benjamin Fitzpatrick, and Jefferson Davis arose. The emotion of their brother Senators and of us in the galleries increased when I heard the voice of my husband, steady and clear, declare in that Council Chamber: 'Mr. President, I rise to announce that the people of Alabama have adopted an ordinance whereby they withdraw from the Union formed under a compact styled the United States, resume the powers delegated to it, and assume their separate station as a sovereign and independent people.' It seemed as if the blood within me congealed.

"As each Senator, speaking for his State, concluded his solemn renunciation of allegiance to the United States women grew hysterical and waved their handkerchiefs, encouraging them with cries of sympathy and admiration. Men wept and embraced each other mournfully. At times the murmurs

among the onlookers grew so deep that the Sergeant-at-Arms was ordered to clear the galleries; and as each Senator took up his portfolio and gravely left the Senate Chamber, sympathetic shouts rang from the assemblage. Scarcely a member of that senatorial body but was pale with the terrible significance of the hour. There was everywhere a feeling of suspense, as if, visibly, the pillars of the temple were being withdrawn and the great Government structure was tottering; nor was there a patriot on either side who did not deplore and whiten before the evil that brooded so low over the nation. When Senator Clay concluded his speech many of his colleagues, among them several from Republican ranks, came forward to shake hands with him."

The valedictory of Jefferson Davis was so dignified, argumentative and statesmanlike in its presentation as to challenge the respect, if not the approval, of his Republican colleagues. He drew some fine distinctions between nullification on the one side and secession on the other. "Nullification was the remedy in the Union, secession the remedy outside." It was an impressive scene when the great Mississippi Senator closed his farewell address. He had been popular with his colleagues and the feeling prevailed that he was forfeiting more than the average Senator in identifying himself with the Southern cause.

One of the most distinguished men of this Senate was Robert Toombs of Georgia, powerful of stature, strong of intellect, forceful of speech and in every sense a true representative of Southern statesmanship. He did not deliver what may be termed

strictly a farewell speech, but he took formal leave of the Senate on the 7th day of January, 1861, in a speech recalled for its boldness of utterance, close reasoning, and a studied declaration of what he regarded the dividing lines between the sections. On the 28th day of January, Alfred Iverson, his colleague, delivered a message to the Senate which marked the parting of the Georgia delegation. "The Rubicon is passed," he said, "and with my consent shall never be recrossed."

On the 4th day of January Messrs. Slidell and Benjamin delivered their valedictories as Senators from Louisiana. Senator Slidell was aggressive and outspoken. He notified the Senate "if any steps should be taken to enforce the authority of the Union over the seceding States they would be resisted." He sounded the tocsin of war.

In the group of antebellum Senators from the Southland Judah P. Benjamin was by all odds the preëminent mind and the most dramatic figure that was fashioned to play its part in the scene before the Senate. Born of Jewish parentage, under that star that seems to shape the destiny of some men,—that makes them great,—Judah P. Benjamin had a career that reads like a novel. His parents were English Jews and the vessel that steered them to a new home from a foreign shore was stranded on the island of St. Croix, where they were almost shipwrecked in the storm. On this island was born Judah Philip Benjamin. It seemed to presage the future of this babe, for the life of Benjamin was a life of storm, struggle, and of heroic conflict. His masterful mind asserted itself in every sphere of



action and in every vocation where he was called. His speeches in the Senate were really classic productions, full of that earnestness of expression we call eloquence.

He was a lawyer of the highest attainments. In the legislative throes covering the decade of 1850 to 1860, the Congressional Record has no more felicitous utterances than those of Mr. Benjamin. His speeches were replete with profound reasoning and logical thought. He was a man of high character and his public acts seemed to be prompted by the dictates of a conscience and judgment controlled by a higher power. From 1860 until his dying day his life was filled with momentous action. He had enjoyed the highest honors and distinctions that come to a public man under our form of government. Franklin Pierce offered him an appointment to the United States Supreme Court, which he declined. He left the Senate Chamber to go into the Cabinet of Jefferson Davis. His services to the Confederacy belong to the history of that period, but we cannot look back on the life of this man without being struck by the force of his career, remarkable and meteoric in the extreme. Ere reaching the highest pinnacle of fame in the United States during the Rebellion he descended to the lowest round of the ladder.

It was a sad senatorial career at its close, when Judah P. Benjamin walked out of the Senate Chamber for the last time February 4, 1861. Memories must have crowded upon his mind of better and happier days that he would have liked to live over again, but they were gone forever. Before him were the



fitful, cruel, humiliating hardships to be imposed by civil war, and for four years his life was to be obscured in the darkness of the Rebellion. We see him one day the central figure of a great generation; the next day his life torn and tossed about in the pitiless storm of opposition. We feel as though we would like to blot out the page that tells us how this man became an exile; how, when the war clouds lowered, he was forced to seek an asylum in a foreign country, among strangers, after he had passed the meridian of life. What must have been his thoughts as he walked through the streets of Liverpool at night, impoverished by the exigencies of the war, with a new life before him! To see this man of mature years beginning as a student, taking up the study of the English law, really, it was pathetic—this struggle for honor and for fame anew. After spending three years in preparation he takes up the trial of paltry cases in the English courts and his genius even lights up the trial cases of a police court. Genius is often retiring. Within a few years he leaps to the front of the English bar and is recognized as the greatest lawyer of England in his day. He accumulates a fortune estimated at three hundred thousand dollars; he lives a new life; he has written his name on the tablets of fame of two continents! To-day his work is valued and quoted as an authority in law, both in England and the United States.

It is said that the memory of other days at times seemed to hover over him and he rarely sought the lighter recreation of social enjoyment. Yet these opportunities, while denied by him, were sought by

others. The daughter of a celebrated English barrister, at whose fireside sat Mr. Benjamin, now bent with age and with his hair whitened by many winters, has said that he was the most charming companion, and would revel in his description of the days that were spent in his old Louisiana home. Yet he never gave an expression of his desire to visit the scenes of the theater of his marvelous past career in the land he had left behind him. No wonder that the last speech delivered by this man in the Senate of the United States was so peculiarly and intensely interesting, and that it excited the public mind all over the country. He brought his eminent legal ability to bear upon the question as he presented it. A writer of the history of that day has said that his speech was "full of specious pleading," but it was a magnificent forensic effort, and merited the praise of friend and foe alike.

These pages have been amplified beyond the original purpose of the writer, who, after all, has but given a passing notice to Judah P. Benjamin. He was a great man—great in that he made himself superior to every obstacle, and was undaunted by the things that ordinarily crush lives and carry them down to defeat. His life at three different periods was crowned with success. Marvelous life! Kind was the Providence of God in allowing it to run to what the prophet of old declared was life's richest blessing, three score and ten.

February 4, 1861, was the fateful day on which Judah P. Benjamin stamped the impress of his magnetic character for the last time on the pages of the United States Senate. He was then in the

meridian of his powers. It had been announced that he was to deliver on that day his farewell address to the Senate. Long before the hour for the Senate to convene the galleries were crowded out into the corridors. Every Senator was in his seat, and on the floor were many distinguished men from the Lower House. When the eventful moment arrived the great Senator stepped out into the arena, his handsome face flushed with the excitement of the hour and what was probably, in a sense, the most tragic and momentous of his life, in that it closed one career and opened up another; in that it was the passing of the old and the taking up of the new. He faced an audience large enough to inspire the great effort he was about to deliver. There was a hush and a stillness when he addressed the presiding officer—then followed this great impassioned masterpiece of eloquence :

FAREWELL SPEECH OF JUDAH P. BENJAMIN OF  
LOUISIANA ON THE OCCASION OF HIS WITH-  
DRAWAL FROM THE UNITED STATES SENATE ON  
FEBRUARY 4, 1861

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“Mr. President, if we were engaged in the performance of our accustomed legislative duties, I might well rest content with the simple statement of my concurrence in the remarks just made by my colleague. Deeply impressed, however, with the solemnity of the occasion, I cannot remain insensible to the duty of recording, amongst the authentic reports of your proceedings, the expressions of my conviction that the State of Louisiana has judged and acted well and wisely in the crisis of her destiny.

“Sir, it has been urged, on more than one occasion in the discussions here and elsewhere, that Louisiana stands on an exceptional footing. It has been said that whatever may be the rights of the States that were original parties to the Constitution—even granting their right to resume for sufficient cause, those restricted powers which they delegated to the General Government, in trust for their own use and benefit—still Louisiana can have no such right, because she was acquired by purchase. Gentlemen have not hesitated to speak of the sov-

ereign States formed out of the territory ceded by France as property bought with the money of the United States, belonging to them as purchasers; and although they have not carried their doctrine to its legitimate results, I must conclude that they also mean to assert, on the same principle, the right of selling for a price that which for a price was bought.

"A hundredfold, sir, has the Government of the United States been reimbursed by the sales of public property, of public lands, for the price of the acquisition; but not with the fidelity of the honest trustee has it discharged the obligations as regards the sovereignty.

"If then, sir, the people of Louisiana had a right which Congress could not deny, of the admission into the Union with all the rights of all the citizens of the United States, it is in vain that the partisans of the rights of the majority to govern the minority with despotic control attempt to establish a distinction, to her prejudice between her rights and those of any other State. The only distinction which really exists is this—that she can point to a breach of treaty stipulations expressly guaranteeing her rights as a wrong superadded to those which have impelled a number of her sister States to the assertion of their independence.

"The rights of Louisiana as a sovereign State are those of Virginia. No more, no less. Let those who deny her right to resume delegated powers, successfully refute the claim of Virginia to the same right, in spite of her express reservation made and notified to her sister States when she consented to

enter the Union. And, sir, permit me to say that of all the causes which justify the action of the Southern States I know none of greater gravity and more alarming magnitude than that now developed of the denial of the right of secession. A pretension so monstrous as that which perverts a restricted agency, constituted by sovereign States for common purposes, into the unlimited despotism of the majority, and denies all legitimate escape from such despotism when powers not delegated are usurped, converts the whole constitutional fabric into the secure abode of lawless tyranny and degrades sovereign States into Provincial dependencies.

"It is said that the right of secession, if conceded, makes of our Government a mere rope of sand; and to assert its existence imputes to the framers of the Constitution the folly of planting the seeds of death in that which was designed for perpetual existence. If this imputation was true, sir, it would merely prove that their offspring was not exempt from that mortality which is the common lot of all that is not created by higher than human power. But it is not so, sir, that facts answer theory. For two-thirds of a century this right has been known by many of the States to be at all times within their power. Yet, up to the present period, when its exercise has become indispensable to a people menaced with absolute extermination, there have been but two instances in which it has been even threatened seriously; the first, when Massachusetts led the New England States in an attempt to escape from the dangers of our last war with Great

Britain; the second, when the same State proposed to secede on account of the admission of Texas as a new State into the Union.

"Sir, in the language of our declaration of secession from Great Britain it is stated as an established truth that 'all experience has shown that mankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they have been accustomed.' And nothing can be more obvious to the calm and candid observer of passing events than that the disruption of the Confederacy has been due, in great measure, not to the existence but to the denial of this right. Few candid men would refuse to admit that the Republicans of the North would have been checked in their mad career, had they been convinced of the existence of this right and the intention to assert it. The very knowledge of its existence by preventing occurrences which alone could prompt its exercise would have rendered it a most efficient instrument in the preservation of the Union. But, sir, if the fact were otherwise—if all the teachings of experience were reserved—better, far better, a rope of sand, ay, the flimsiest gossamer that ever glistened in the morning dew, than chains of iron and shackles of steel; better the wildest anarchy, with the hope, the chance, of one hour's inspiration of the glorious breath of freedom that ages of the hopeless bondage and oppression to which our enemies would reduce us.

"We are told that the laws must be enforced; that the revenues must be collected; that the South



is in rebellion without cause and that her citizens are traitors.

"Rebellion! The very word is a confession; an avowal of tyranny, outrage, and oppression. It is taken from the despot's code and has no terror for other than slavish souls. When, sir, did millions of people as a single man rise in organized, deliberate, unimpassioned rebellion against justice, truth and honor? Well did a great Englishman exclaim on a similar occasion:

"'You might as well tell me that they rebelled against the light of Heaven; that they rejected the fruits of the earth. Men do not war against their benefactors; they are not mad enough to repel the instincts of self-preservation. I pronounce fearlessly that no intelligent people ever rose or ever will rise against a sincere, rational, and benevolent authority. No people were ever born blind. Infatuation is not a law of human nature. When there is a revolt by a free people with the common consent of all classes of society there must be a criminal against whom that revolt is aimed.'

"Traitors! Treason! Ay, sir, the people of the South imitate and glory in just such treason as glowed in the soul of Hampden; just such treason as leaped in living flame from the impassioned lips of Henry; just such treason as encircles with a sacred halo the undying name of Washington! You will enforce the laws. You want to know if we have a Government; if you have any authority to collect revenue; to wring tribute from an unwilling people? Sir, humanity desponds and all the inspiring hopes of her progressive improvement vanish into empty air at the reflections which crowd on the mind at hearing repeated with aggravated enormity the sentiments at which a Chatham launched his indignant thunders nearly a century ago. The very

words of Lord North and his royal master are repeated here in debate not as quotations but as the spontaneous outpourings of a spirit the counterpart of theirs. In Lord North's speech, on the destruction of the tea in Boston Harbor, he said :

" 'We are no longer to dispute between legislation and taxation; we are now only to consider whether or not we have any authority there. It is very clear we have none, if we suffer the property of our subjects to be destroyed. We must punish, control, or yield to them.' "

"And thereupon he proposed to close the port of Boston, just as the representatives of Massachusetts now propose to close the port of Charleston in order to determine whether or not you have any authority there. It is thus that in 1861 Boston is to pay her debt of gratitude to Charleston, which in the days of her struggle proclaimed the generous sentiment that 'the cause of Boston was the cause of Charleston.' Who after this will say that Republics are ungrateful? Well, sir, the statesmen of Great Britain answered to Lord North's appeal, 'Yield.' The courtiers and the politicians said, 'Punish, control.' The result is known. History gives you the lesson. Profit by its teachings.

"So, sir, in the address sent under the royal sign-manual to Parliament it was invoked to take measures 'for better securing the execution of the laws' and acquiesced in the suggestion. Just as now the Executive under the sinister influence of insane counsels is proposing with your assent 'to secure the better execution of the laws' by blockading ports and turning upon the people of the States the artillery which they provided at their own expense

for their own defense and entrusted to you and to him for that and for no other purpose. Nay, even in States that are now exercising the undoubted and most precious rights of a free people, where there is no secession, where the citizens are assembling to hold peaceful elections for considering what course of action is demanded in this dread crisis by a due regard for their own safety and their own liberty, ay, even in Virginia herself the people are to cast their suffrages beneath the undisguised menaces of a frowning fortress. Cannon are brought to bear on their homes and parricidal hands are preparing weapons for rending the bosom of the mother of Washington.

"Sir, when Great Britain proposed to exact tribute from your fathers against their will Lord Chatham said :

" 'Whatever is a man's own is absolutely his own ; no man has a right to take it from him without his consent. Whoever attempts to do it attempts an injury. Whoever does it commits a robbery. You have no right to tax America. I rejoice that America has resisted. Let the sovereign authority of this country over the Colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatever, so that we may bind their trade, confine their manufactures and exercise every power except that of taking money out of their own pockets without their consent.'

"It was reserved for the latter half of the nineteenth century and for the Congress of a Republic of free men to witness the willing abnegation of all power save that of exacting tribute. What Imperial Britain with the haughtiest pretensions of unlimited power over dependent colonies could not even attempt without a vehement protest of her greatest

statesmen, is to be enforced in aggravated form, if you can enforce it, against independent States.

"Good God! Sir, since when has the necessity arisen of recalling to American legislators the lessons of freedom taught in lisping childhood by loving mothers; that pervade the atmosphere we have breathed from infancy; that so form part of our very being that in their absence we would lose the consciousness of our own identity? Heaven be praised that all have not forgotten them; and that when we shall have left these familiar halls, and when force bills, blockades, armies, navies and all the accustomed coercive appliances of despots shall be proposed and advocated, voices shall be heard from this side of the Chamber that will make its very roof resound with the indignant clamor of outraged freedom. Methinks I still hear ringing in my ears the appeal of the eloquent Representative [Hon. George H. Pendleton of Ohio] whose Northern home looks down on Kentucky's fertile borders. Armies, money, blood cannot maintain this Union; justice, reason, peace may.

"And now to you, Mr. President, and to my brother Senators on all sides of this Chamber, I bid a respectful farewell; with many of those from whom I have been radically separated in political sentiment my personal relations had been kindly, and have inspired me with a respect and esteem that I shall not willingly forget; with those around me from the Southern States, I part as men part from brothers on the eve of a temporary absence, with a cordial pressure of the hand and a smiling assurance of a speedy renewal of sweet intercourse

around the family hearth. But to you noble and generous friends who, born beneath other skies, possess hearts that beat in sympathy with ours; to you who, solicited and assailed by motives the most powerful that could appeal to selfish natures, have nobly spurned them all; to you who in our behalf have bared your breasts to the fierce beatings of the storm and made willing sacrifice of life's most glittering prizes in your devotion to constitutional liberty; to you who ever made our cause your cause, and from many of whom I feel I part forever, what shall I, can I, say? Naught I know and feel, is needed for myself; but this I will say for the people in whose name I speak to-day;—whether prosperous or adverse fortunes await you, one priceless treasure is yours, the assurance that an entire people honor your names and hold them in grateful and affectionate memory. But with still sweeter and more touching return shall your unselfish devotion be rewarded.

“When in after days the story of the present shall be written, when history shall have passed her stern sentence on the erring men who have driven their unoffending brethren from the shelter of their common home, your names will derive fresh luster from the contrast, and when your children shall hear repeated the familiar tale it will be with glowing cheek and kindling eye, their very souls will stand a tip-toe as their sires are named and they will glory in their lineage from men of spirit as generous and of patriotism as high-spirited as ever illustrated or adorned the American Senate.”

## CELEBRATED DEBATE

DEBATE BETWEEN BENJAMIN AND BAKER IN THE  
SENATE CHAMBER ON JANUARY 3D, 1861

### AMENDMENTS TO THE CONSTITUTION

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Mr. BINGHAM. "If there be no further morning business, I move that the Senate proceed to the consideration of the unfinished business of yesterday."

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. No. 48) introduced by Mr. Johnson, of Tennessee, proposing amendments to the Constitution of the United States.

Mr. BAKER. "Mr. President, I cannot resume the remarks which I propose to conclude briefly to-day, without rendering my thanks to the Senate for the courtesy which was extended toward me in allowing me to continue them now; and adding to those thanks, others to the distinguished Senator from Illinois [Mr. Douglas], whose just expectations of addressing the Senate to-day I will endeavor not very long to postpone.

"I am not of those, Mr. President, who entertain the opinion that discussion upon all points of

difference between what I hate to call 'sections' of the Confederacy, can be otherwise than useful. I desire, for my part, to understand clearly and distinctly from gentlemen upon the other side, what it is of which they complain. I desire to understand, as I may, the ground, the reason, the proof of that complaint; because I am very sure that I intend, faithfully and loyally to the Constitution, to obviate all just, reasonable, and manly ground of opposition to us. I do not propose, in the eyes of posterity, to place myself (if, indeed, they may ever glance upon me at all) in a position where good and wise men may say, 'that man, from pride of opinion or pride of party, fostered the feeling which led to the dissolution of the Union, and refused to listen to honorable and just complaint against him.' I do not mean to do that. Therefore it is that I inquire, respectfully, earnestly, probing it, as I believe, to the bottom, if I can, what it is that gentlemen are going to dissolve this Union about? I say, with all respect to my distinguished friend from Kentucky [Mr. Crittenden], that to do that in a good temper, cannot do any harm; and, sir, I feel, as I ought to feel upon this floor, nothing but sentiments of courtesy towards every member of this body. I hope that so far I have thus conducted the discussion, and so I shall continue to the end.

"I may remark, 'sir, that when the Senate adjourned yesterday I was endeavoring to demonstrate that the complaint made by the distinguished Senator from Louisiana that we were endeavoring to establish a construction of the Constitution that slavery was the creature of local law, thereby banish-



ing it from the Territories of the United States, if true, was not just as a matter of complaint; that whether he attacks the Republican party, of which I am a humble member, or whether he attacks the great majority of the people of the North, with whom I feel a common sympathy, the attack is unjust, because the leading men of the South, the public opinion of the South, the leading men of the North, the public opinion of the North, the Democracy of the North, the Republicans of the North, the Whigs of the North, nay, all classes of politicians and all classes of men have agreed, according to the doctrine and teaching of our fathers, that slavery was in fact the creature of local law, only, and could not go into the Territories by virtue of that local law. That is what I have been endeavoring to establish so far, not so much as a matter of argument as a matter of authority.

"For that purpose, sir, I have read passages from the speeches of many distinguished gentlemen known to the country. I have one or two more; but out of respect to the time of the Senate I will pass to the discussion of other topics. I shall read next, directly upon this question of the right of the Southern people to go into the Territories with their slaves, the opinion of Mr. Cass, expressed in a speech delivered November 4, 1854, at Detroit."

Mr. DOOLITTLE read, as follows:

"The doctrine [of equality, etc.] never had any real foundation either in the Constitution or in the nature of the Confederation. It rested on the assumption that the public domain being acquired by the whole Union, the whole Union had equal rights in the enjoyment. This postulate is undeniable. But what then? It was contended further that the United States

could not enjoy its equal right of settlement upon the public lands, unless a comparatively small portion of its inhabitants, say three hundred and fifty thousand out of more than six million white persons could take their slaves with them, or, in other words, that every man from every State in the Union, had a right to take all his property to the public domain and there hold it—whisky, banks, or anything else—though prohibited by the local law. A true answer to this pretension is, that if any man, North or South, holds property not recognized as such or prohibited by the local law, his remedy is to be found, not in the violation of it, but in the conversion of such property into money, the universal representative of value, and take that to his new home, and there commence his work of enterprise in a new and growing community.

“If the South has changed its views of this great question, the North has not; nor is the unshaken adhesion of Northern men to their original convictions a just subject of complaint, any more than the expression of them in proper terms of forbearance and moderation.”

Mr. BAKER. “‘Nor is the unshaken adhesion’—I quote again his emphatic language—‘Nor is the unshaken adhesion of Northern men to their original convictions a just subject of complaint, any more than the expression of them in proper terms of forbearance and moderation’—a very decided squint at the right itself and the right to express it.

“Now, sir, it may be said that this is the opinion of a Northern man. While it is none the better, I am sure it is none the worse for that. Gentlemen will remember that I am quoting on all sides, from the chieftains of the people and the leaders of the war. But, not to be singular, and indeed to be, as I mean to be, perfectly respectful to all sections, I shall show by my next extract that Virginia, the mother of States and of statesmen, speaking by an authoritative voice on this floor—a voice which we all hear with pleasure, one of her distinguished Senators [Senator Hunter]—says what, according

to the opinions of the Senator from Louisiana, must, I think, be considered of itself cause for dissolution."

Mr. DOOLITTLE read, as follows:

"Mr. Senator Hunter, in his speech, last fall, before the Breckinridge Democratic State convention, at Charlottesville, Virginia, said:

"When I first entered the Federal councils, which was at the commencement of Mr. Van Buren's administration, the moral and political *status* of the slavery question was very different from what it now is. Then the Southern men themselves, with but few exceptions, admitted slavery to be a moral evil, and palliated and excused it upon the plea of necessity. Then there were few men of any party to be found in the non-slaveholding States who did not maintain both the constitutionality and expediency of the anti-slavery resolution, now generally known as the Wilmot proviso. Had any man at that day ventured the prediction that the Missouri restriction would ever be repealed, he would have been deemed a visionary and theorist of the wildest sort. What a revolution have we not witnessed in all this! The discussion and the contest on the slavery question have gone on ever since, so as to absorb almost entirely the American mind. In many respects the results of that discussion have not been adverse to us. Southern men no longer occupy a deprecatory attitude upon the question of negro slavery in this country. While they by no means pretend that slavery is a good condition of things, under any circumstances and in all countries, they do maintain that, under the relations that the two races stand to each other here, it is best for both that the inferior should be subjected to the superior. The same opinion is extending even in the North, where it is entertained by many, although not generally accepted. As evidence, too, of the growing change on this subject of the public sentiment of the world, I may refer to the course of France and Great Britain in regard to the cooly and the African apprenticeship system as introduced into their colonies. That they are thus running the slave trade in another form is rarely denied. It is not to be supposed that these Governments are blind to the real nature of this cooly trade; and the arguments by which they defend it already afford an evidence of a growing change in their opinions upon slavery in general."

Mr. BAKER. "I have caused this passage to be

read, Mr. President, for one purpose. With the argument I have now nothing to do; with the opinion of the Senator from Virginia, that France and England are endeavoring to advance slavery in their own peculiar and pet way, I do not propose to deal; but I do present it to show that Southern men have been always of the opinion of the fathers, that Congress had the power to restrict slavery in the Territories, because slavery was the creature of local law alone. That is all. I do not say it proves it. I am sufficiently in the habit of differing from the Senator from Virginia not to take what he may say as evidence always; but against the Senator from Louisiana—”

Mr. HUNTER. “I ask the Senator, does he say that he quoted that to show that I admitted that the Senators of the South believed there was power in Congress to restrict slavery in the Territories?”

Mr. BAKER. “Repeat, if you please.”

Mr. HUNTER. “Does he mean to say that he quoted that in order to show that I maintained that it was the opinion of Southern men that there was a power in Congress to restrict slavery in the Territories?”

Mr. BAKER. “Not exactly; but I apprehend that I can ask the Senator two or three questions that will make him admit it right out now.” [Laughter.]

Mr. HUNTER. “All I can say is, that I have never admitted it yet.”

Mr. BAKER. “And all I say, in answer to that, is, that it is never too late to do well. Now, I submit to gentlemen everywhere; I understand them to

be in favor of establishing—I will not say establishing—protecting slavery in the Territories; I understand that that arises from the power of Congress to govern Territories. The Republicans generally admit the power to govern; and from that they argue the right to prohibit. I believe that, according to the later phase of Southern opinion—and it has many phases—the Southern gentlemen admit the power of Congress to govern the Territories; and from thence they argue the power to establish, or, at least, to protect slavery; and when, now, with the new fit, many of them profess to be in favor of the Missouri compromise, I suppose it will not be denied that that means just this: Congress has the power to govern the Territories; and governing them, it may govern them upon slavery as upon every other subject; the Constitution takes it there; they may regulate and protect it there; and if they may do it upon all the Territories, they may refuse to do it upon part. Some of them say so, and some of them deny it; but, at any rate, they all say, in making the Missouri compromise line, that it is the power of prohibition on one side, and of protection on the other. The distinguished Senator from Virginia does not deny that, as I understand him. The distinguished Senator from Louisiana has not, in former years, denied that, as I have understood him.”

Mr. BENJAMIN. “Do I understand the Senator from Oregon to say that I ever admitted the power of Congress to exclude slaves from any portion of the public territory?”

Mr. BAKER. “I will not say that I am quite

certain that the distinguished Senator has so done; and if he says otherwise, of course I would cheerfully yield to the correction, if I had so said; but I may say that I do understand that gentlemen upon that side of the Chamber, at some period of their lives, in some of the phases of politics—when my friend was a Clay man; when my friend was a Whig; before the repeal of the Missouri compromise was proposed—at a time when most of us were singing hallelujahs to it, I should think it very strange if I could not prove that the gentleman was in favor of some line of separation between slavery and freedom.”

Mr. BENJAMIN. “Mr. President, I will answer the Senator, so far as I am concerned, that I never have admitted any power in Congress to prohibit slavery in the Territories anywhere, upon any occasion, or at any time in my life that I can remember. I will say further to him: so far as the question is concerned about the desire of the South to extend the line—that the Southern States, at the period of the acquisition of Territory from Mexico, proposed to extend that line—not upon the idea that Congress had the power to exclude slavery from any part of the Territory, but that, the representatives of the Southern States in both Houses consenting to that act, it would operate as an agreement or compact, not binding constitutionally, but binding upon the good faith of the people of all parts of the Confederacy. In that light they proposed to settle the question forever. They never did admit that Congress had the power, constitutionally, that I am aware of.”

Mr. BAKER. "When the Senator says that he himself never did it, I am by no means disposed to dispute it, and particularly so, as I believe I have not asserted it; but the Senator does now say that the Southern people were in favor of the Missouri compromise—"

Mr. BENJAMIN. "Excuse me."

Mr. BAKER. "I think that is what the Senator said."

Mr. BENJAMIN. "That the Southern people were in favor, at the time of the acquisition of the new Territory from Mexico, of extending the line to the Pacific Ocean, and leaving it undisturbed, as a matter of compact, not as a matter of constitutional power. That was refused by the North."

Mr. BAKER. "Well, Mr. President, at a proper time and on a proper occasion, I think I could show the Senator that it would be very difficult to establish the proposition that anybody has a right to do by compact what will violate the Constitution. That is the sum total now of all he is saying."

Mr. BENJAMIN. "Does the Senator deny that a State has a right to abandon any privilege accorded to it by the Constitution, if it does not choose to exercise it?"

Mr. BAKER. "No, sir; but this is what I do say: that if you, the Senator from Louisiana, do, in your conscience, believe that an act of Congress to prohibit slavery in the territory of the United States, or in any part or parcel thereof, is in violation of the Constitution of the United States, and in derogation of the rights either of the States or the people—if, in your heart and conscience, you



really do believe that, you are false and perjured when you do it. Let me add, as the language is strong, that I am quite as sure as I live, that, with that view, the Senator never would do it."

Mr. BENJAMIN. "Mr. President, I endeavored to make my proposition as plain as I know how to do it. I say that, under the Constitution, Congress has no power to exclude the Southern States from participation in the Territory, from going there with their slave property, and there finding protection. I say that, notwithstanding the absence of all that congressional power, it is perfectly competent, and in accordance with the spirit of the Constitution, for Southern members, even by way of an act of Congress, to pledge the honor of their States that they will not avail themselves of the privileges of going into that part of the Territory that is north of a particular line, and of proposing that to the people of the North as a settlement of a disputed question—not because the act of Congress would thereby be binding, under the Constitution itself, but because it would be good and authentic evidence to the people of the North of an agreement by the people of the South not to insist on that part of the Constitution which gave that right."

Mr. BAKER. "Mr. President, I do this time certainly clearly understand the distinguished Senator from Louisiana, and yet I do not see anything fairly in reply to what I have urged upon him. Now, he tells me that the Southern people have agreed that slavery may be prohibited. How? Sir, in passing the Missouri compromise bill, they did not merely agree to do it—the act of Congress

is not a mere evidence to be used in a court of honor that the people of Louisiana will not interfere with the bargain. That is not it; but the act of Congress is a positive law, made under the sanction of an oath, in the light of the consciences of the men who agreed to it; and I ask him in all fairness and honor, if he or I to-day vote in this Senate Chamber to prohibit slavery in a certain Territory, whether, if we believe that we have no right under the Constitution to do that, we do not violate both the Constitution and our oaths when we render that vote? I think that from this position there is no escape. When Mr. Clay gave that vote, he had no constitutional doubt. When the South urged it, and the North agreed to it, they who voted had no constitutional doubt; or if they had, it vanished before the clear light of reason and argument. The North, as it is said, accepted it reluctantly; at least they abided by it. When gentlemen destroyed it they ran after strange gods; and now when many of them propose to come back to it, they are offering a truer and more acceptable worship. But, sir, the point of the argument is not to be evaded by any pretense that it is a mere agreement in a court of honor to do that which they have no legal and constitutional right to do. Suppose a gentleman from Alabama comes up and says: 'Sir, you, the Senator from Louisiana, have voted to prohibit me from taking my slaves into the Territory north of 36° 30'; what do you mean by it; have you any right to do it?' 'O, no,' the Senator says, 'no right in the world; it is just a sort of legislative flourish, a compact between us and somebody else, that having done it,

we will never take it back; it is the exercise of a right which theoretically we do not claim; we have just done it—we do not exactly know why in point of law, but we have done it because we hope, having done it, nobody will undo it.’ What will the strict constructionists on the other side say to that? What words will they put in my mouth?

“I do not think the argument can be defended other than upon the ground assumed by a justice of the peace, well known to my distinguished friend from Illinois [Mr. Douglas], old Bolling Green, in answer to a little law advice that I gave him on one occasion when the Senator and I were both very young men, and (if he will excuse me for saying so) very poor lawyers. [Laughter.] Old Bolling Green, then a magistrate, came to me and said: ‘Baker, I want to know if I have jurisdiction in a case of slander.’ I put on a very important air; looked at him steadily—looked as wise as I could, and I said to him: ‘Squire, you have no such authority; that is reserved to a court of general jurisdiction.’ ‘Well,’ said he, ‘think again; you have not read law very well, or very long; try it again; now, have I not jurisdiction; can I not do it?’ ‘No,’ I said, ‘you cannot.’ Said he: ‘Try once more; now, cannot I take jurisdiction.’ ‘No, sir,’ said I, ‘you cannot; I know it; I have read the law from Blackstone to——; well, I have read Blackstone, and I know you cannot do it.’ ‘Now, sir,’ said he, ‘I know I can; for, by Heaven, I have done it.’ [Laughter.] I understand, now, that the sum total of the answer which is made to my objection as to the constitutionality of the Missouri compromise

touching the consciences of the gentlemen who proposed to pass it without power, is just the reply of my old friend Bolling Green. They say, 'Theoretically we have not the power; constitutionally we have not the power; but, by Heaven, we have done it.' [Laughter.]

"Well, sir, I do not assume to deal with them in a court of conscience. That is their matter. I do not pretend to discuss the propriety of making a solemn act of the Congress of the United States merely evidence in a court of honor, subject, as I think, to a demurrer to evidence at least. That is none of my business. What I am dealing with is this: if that be the opinion of Virginia, of Louisiana, of the entire South; if they have done it by their leaders, by their speeches; if they have lived by it; if, being a compact, it is an executed compact; if under it State after State has come into this Union, is it not too late for them to deny now that we are justified if we wish to adhere to that principle? Have they a right to come and say: 'You are declaring slavery to be a creature of the local law, and we will justly dissolve the Union by revolution in consequence thereof'? This is the sole purpose for which I have read all these extracts; and I think, from the conclusion, that this is neither fair, nor just, nor right, nor constitutional. There is no escape.

"But, sir, passing from that; the Senator from Louisiana, in the second item of the 'dreary catalogue' which he recounts in his speech, says, in substance, that we attack slavery generally. Now, I am going to reply at some little length to that count in

the indictment. I begin thus : if the gentleman means that, in violation of the Constitution of the United States, we of the North or West, by any bill, resolution, or act, do in anywise interfere with the state and condition of slavery where it exists within the States of this Union, or any of them, by virtue of local law, by which alone it can be created, we deny it. We have offered no such interference; we claim no such power. Sir, as I remember the history, as early as 1790, a committee of the House of Representatives—composed, with one exception, of Northern men—reported to that Congress a resolution, which you will find in the great speech of Mr. Webster upon this point, declaring that we have no right or power to interfere with slavery in the States. That resolution was adopted by a Northern Congress—a body near two-thirds of whom were Northern men; and I say that from that day to this, according to my recollection, and in my best judgment, and on my conscience, I do not know, nor do I believe, that Congress has attempted seriously to doubt practically that doctrine, or in anywise to interfere with the condition of slavery in the slave States. Upon that point I am subject to correction on either hand.”

Mr. BENJAMIN. “If the Senator will permit me, the charge is not that Congress does it, but that the States do it.”

Mr. BAKER. “Very well. I thank the gentleman; and with the directness which belongs to his character, and the courtesy which he can never forget, I shall be happy if, only to carry down the argument, whenever he sees a proper place, he will just

direct my attention to the pith and marrow of the matter as he does now. Now, be it understood, on this given day of January, in the year of our Lord 1861, the great champion of the South upon this question gets up in his place in the Senate and admits that there is no ground of complaint that the Federal Government ever has attempted to interfere with the existence of slavery in the Southern States. We will get that down upon the record, and I apprehend it will be quoted before this controversy is over, again and again.

"But it is said that the Northern States, the Western States, in other words, the free States, do so interfere. Again we deny it. The fact is not so. The proof cannot be made. Why, sir, I might ask, in the first place, how can the States so interfere? Suppose Illinois, of which I desire to speak always with affectionate solicitude, and of which I can speak with considerable knowledge, were to violate all the opinions which she has manifested in her history, and desired to interfere with the existence of slavery in Virginia, how would she go about it? I have the profoundest respect for my friend as a lawyer; but I would like to know what bill he could frame by which Illinois could interfere with the existence of slavery in Virginia."

Mr. BENJAMIN. "Mr. President, I will tell the Senator, not how they can do it by bill, but how they do it in acts. A body of men penetrated into the State of Virginia by force of arms, into a peaceful village at the dead hour of night, armed with means for the purpose of causing the slaves to rise against their masters, seized upon the public prop-

erty of the United States, and murdered the inhabitants. A man was found in Massachusetts who, in public speeches, declared that he approved of that, and that the invasion was right; and the people of Massachusetts, by an enormous majority—the fact of that man's action placed before the people as a ground why he should be elected their Governor—elected him their Governor, indorsed the invasion of a sister State, indorsed the murder of the peaceful inhabitants of the State of Virginia. The people of Massachusetts, by the election of Andrews as their Governor, have indorsed the act of John Brown, have indorsed the invasion of a sister State, and the murder of its peaceful citizens at dead of night.

“The people of Massachusetts in their collective capacity have done more. They have sent Senators upon this floor, whose only business has been, for year after year, to insult the people of the South; here, in this common assembly of Confederate ambassadors, to cast slander and opprobrium upon them; to call them thieves, murderers, violators; charge them as being criminals of the blackest dye; and because the men who here represent Massachusetts did that, Massachusetts has sent them back to repeat the wrong. They have done that, and nothing else, since ever I have been in the Senate.”

Mr. WILSON. “Mr. President—”

Mr. BAKER. “O, never mind. Mr. President, I asked the gentleman from Louisiana to point out to me and to the Senate, how, if the State of Illinois were desirous to interfere with the existence of slavery in Virginia, it could be done. I leave to his cooler temper and his better taste to examine how



he has answered me. Why, sir, he runs off into a disquisition upon John Brown, which would not dignify a stump. Now, I submit that that is not the point between us. I hold that his answer is an acknowledgment that a free State cannot, as a State, interfere in any conceivable way with slavery in a slave State; and that being so, we advance another step. We agree now that Congress never has interfered, and that States never can.

"But the gentleman says (and I do not reply to it now on account of what he has said at this moment, but because it is another of the counts in the indictment) that individuals in the Northern States have interfered with slavery in the Southern States. I believe that to be true; but being true, I ask, what then? Is that the chief ground of dissolution? Are you going to revolt for that? Will you plunge us into civil war for that? Is that all? Sir, let us examine it a little more closely. I pass, as unworthy the dignity of the debate, the incidental attack which the Senator from Louisiana has chosen to make upon the people of Massachusetts, upon the Governor of that great State, and upon the distinguished Senators from that State, who, in my judgment, are an honor on this floor to this body. It is not my purpose—they would not intrust me with their defense; nor is it needful that I should make it here or anywhere. That is not within the scope and purpose of this debate; but it is within the scope and purpose of this debate to examine how much of truth there is in the general sweeping charge which the Senator has chosen to make, and

how much justification in the fact, if the fact be true.

"Sir, the people of the Northern and Western States are a free people. We have there various rights guaranteed to us by our State Constitutions, among the chiefest of which are liberty of thought and freedom of speech. We are an inquiring people; we are an investigating people; and we are, no doubt, very subject to the charge often made against us, that we are a people of isms. Where there is perfect freedom of opinion, that must be the case in the nature of things. It is in the nature of the human mind itself. Laws will not restrain it. We cannot bind the human mind with fetters, nor can we limit it to modes of expression. It will think, and it will act, spite of all government, and beyond all law. It follows, as a consequence, that the people will not think alike; and, of course, as there cannot be two ways perfectly right upon any one subject, the people will not always think truly and wisely.

"What then? There are people in Massachusetts and in Illinois and in Oregon, who will not only violate the rights of the slave States, but the rights of the free. There are people in the North who will not only steal niggers, but steal horses. There are people in the North who will not only try to burn down houses in the slave States, but who will be incendiary in the free States. It is the duty of the distinguished Senator from Louisiana and myself sometimes, as counsel, to defend such men. Nor do I know that such men or such defenses are confined to the North or the West alone. I appre-

hend if a grateful procession of the knaves and rascals, who are indebted to the distinguished Senator from Louisiana for an escape from the penitentiary and the halter, were to surround him to-day, it would be difficult for even admiring friends to get near him to congratulate him upon the success of his efforts upon this floor. [Laughter.] When, therefore, he says that individuals—not States, not Congress—but individuals in the free States, do attack in their individual capacity the honor and dignity of the slave States, and do run off their niggers, and do steal their property, and do kidnap, and do various other things contrary to their duty as good citizens, I am inclined, while I regret it, to believe the whole of it.

“Springing from that, and evidenced, as I think, by the excited enumeration which the distinguished Senator has chosen to make of the wrongs and crimes of the State of Massachusetts and her Senators; springing from that exaggerated mode of thought and expression, as to the free States, arises the spirit of the count in the indictment against the whole of us. Now, I beg leave to say to the honorable Senator, that the desire to interfere with the rights of slavery in the slave States is not the desire of the Northern people. It is not the desire of the people of Oregon, I know; it is not the desire of the people of California, I am sure; it is not the desire of the people of Illinois, I would swear; and I may say more, that in all my association with the Republican party, I have yet to find among them, from their chiefs down to their humblest private, one man who proposes to interfere with the exist-

ence of slavery in the slave States by force, by legislation, or by congressional action. I have known no such man in all my short experience, nor do I believe that the Senator from Louisiana can point out any such man."

Mr. BENJAMIN. "If the Senator merely desires me to answer him, I will tell him exactly what I said the other day: that the belief of the South is, and I admit I share it, that without intending to violate the letter of the Constitution by going into States for the purpose of forcibly emancipating slaves, it is the desire of the whole Republican party to close up the Southern States with a cordon of free States for the avowed purpose of forcing the South to emancipate them."

Mr. BAKER. "Very well, sir. See how gloriously we advance step by step. We abandon now the charge that Congress does it; we abandon now the charge that States do it; we abandon now the charge that the individual members of the Northern and Western communities as a body desire to interfere with slavery contrary to law; to violate any existing right in the slave States; but we insist tenaciously and pertinaciously on our fourth count in the indictment; and it is this—"

Mr. BENJAMIN. "The Senator, I trust, does not desire to misrepresent what I said."

Mr. BAKER. "I do not, sir."

Mr. BENJAMIN. "I am confident that he does not. I understood the Senator to ask me, in relation to the Republican party, what proof I had of their desire to destroy slavery in the States. I gave it to him. I did not say that independently of that,

there were not other attacks upon Southern slavery. I just this moment referred him to the direct attack of the State of Massachusetts—the State as a State. Independently of that, by the further exemplification of the State of Massachusetts, I will refer him to the fact that her Legislature indorsed the vituperations of her Senator on this floor, by an enormous majority, and made that a State act; and furthermore, that she passed a law in violation of the rights of Southern slaveholders, and all her eminent legal men are now urging the State to repeal the law as a gross outrage upon the constitutional rights of the South.”

Mr. BAKER. “Why, Mr. President, in a State where all her eminent legal men are desirous to rectify a wrong, I do not think, if the Senator will wait a little while, there can be any very great danger. Our profession is a very powerful one; and I have never known a State in which we all agree upon a legal proposition that we could not induce her to agree to it too. That is a mere answer in passing.

“I insist, however—I know it is not quite pleasant to my friend, and I regret that it is not so—that I have brought him down to a clear statement by way of abandonment of three or four of the specifications. It is now true that the great ground of complaint has narrowed itself down to this: that, as a people, we desire to circle the slave States with a cordon of free States, and thereby destroy the institution of slavery; to treat it like a scorpion girt by fire. I take that to be an abandonment of the main counts in the indictment, unless that be con-

sidered one of them. Now, I approach that question: first, if we, a free people, really, in our hearts and consciences, believing that freedom is better for everybody than slavery, do desire the advance of free sentiments, and do endeavor to assist that advance in a constitutional, legal way, is that, I ask him, ground of separation?"

Mr. BENJAMIN. "I say, yes; decidedly."

Mr. BAKER. "That is well. And I say just as decidedly, and perhaps more emphatically, no! And I will proceed to tell him why. The argument is a little more discursive to-day than yesterday, but perhaps not less instructive. Suppose that circling slavery with a cordon of free States were a cause of separation, and therefore war with us: is it not just as much so with anybody else? It is no greater crime for a Massachusetts man or an Oregon man to circle, to girdle, and thereby kill slavery, than for a Frenchman, or an Englishman, or a Mexican. It is as much a cause of war against France, or England, or Mexico, as against us.

"Again, sir: how are you going to help it? How can we help it? Circle slavery with a cordon of free States! Why, if I read history and observe geography rightly, it is so girdled now. Which way can slavery extend itself that it does not encroach upon the soil of freedom? Has the Senator thought of that? It cannot go North, though it is trying very hard. It cannot go into Kansas, though it made a convulsive effort, mistaking a spasm for strength. It cannot go South, because, amid the degradation and civil war and peonage of Mexico, if there be one thing under heaven they hate worse

than another, it is African slavery. It cannot reach the islands of the sea, for they are under the shadow of France, that guards their shores against such infectious approach. It is circled; I will not say girdled. I recollect the figure, familiar to us all, by which he intimates that that which is girdled will die. Therefore, I do not say girdled; I say circled, inclosed, surrounded; I may say hedged in; nay, more, I may say—where is the Senator from New York [Mr. Seward], he is a prophet, and I will not predict; but, if I were not warned by his example and his prediction as to the ‘irrepressible conflict,’ I might say that, being so hedged, circled, guarded, encompassed, it will some day—it may be infinitely far distant, so far as mortal eye can see—but it will be some day lost and absorbed in the superior blaze of freedom. And, sir, that would be the case, just as much as it is now, if there were no Northern free States. What harm do I, in Illinois or Oregon, to the Senator from Louisiana? Where can his slavery go, that it is not now, unless it be in this disputed Territory of New Mexico? Where else? If it go anywhere else, it will go incursive, aggressive upon freedom. It will go by invading the rights of a nation that is inferior and that desires to be friendly. It will go in defiance of the wish and will and hope and tear and prayer of the whole civilized world. It will go in defiance of the hopes of civilized humanity all over the world. The Senator will not deny that. Therefore it is that it appears to me idle—and I had almost said wicked—to attempt to plunge this country into civil war, upon the pretense that we are endeavoring to circle your



institution, when, if we had no such wish or desire in the world, it is circled by destiny, by Providence, and by human opinion everywhere.

"I will press the Senator from Louisiana a little further. We of the Northern and Western States—and it is the complaint that our Abolitionists make against us—are the only allies you have got in the world. It is to us (and I speak it to you with affectionate kindness) that, in the hour of your extremest trial, you are to look for sympathy, for succor, for support. You have with us what you call a league; what you call a compact; what we call a united Government, by which we are bound, in some points of view, to recognize your institution, and by that to afford you support in the hour of your danger. Why, sir, if your slaves revolt; if there be among you domestic insurrection—God grant the hour may never come!—we are called upon by our constitutional obligation to march to your support; and, though there be nothing worse than to fight in a servile war, unless it be to suffer in one, we of the North, when that hour shall arrive, will march to sustain you, our brethren, our kindred, the people of our race, with all our power. It is a painful subject to refer to, and I pass it with a single remark.

"Again: by the Constitution of the United States we are required to protect you against the escape of your slaves through our Territories, to return them, and to return them in violation of common law and against the principles of international relations acknowledged by the whole civilized world. Would France do that? Would Mexico do that?

Would England do that? Would the Czar of Russia do that? No, sir. It is to us, and to us alone, that you are to look for whatever of safety, of succor, of sympathy, you can find in the whole world, and—I had well nigh said—in the whole universe.

“There is, then, no ground of complaint against us, even if all you say be true, that we are surrounding you by a girdle, a cordon, a circle of free States. Why, you seem to me to have the same notion with an old man in my country who was complaining that he was not rich enough. He was a farmer. He said he would be perfectly happy if he only had all the land that joined him. [Laughter.] It appears to me that the complaint of the honorable Senator is, that slavery does not extend everywhere, without border, or limit, or girdle, or circle in the world.

“Again: does the Senator remember, when he asks us to restrain this process of circling the slave States by the settlement of free communities upon their borders, that he is asking us to do what we have no power to do by our system of Government, or by our Constitution? What is the process? When slavery is circled, it is circled by the elastic, expansive power of free labor. California so circled it; Oregon so circles it. Make Arizona a Territory to-day; steal Sonora to-morrow; and there free labor will so circle it, spite of laws, spite of government.

“Now, why should the Senator from Louisiana propose to dissolve with us because this is so? I would ask gentlemen on the other side: will it be any the less so if you dissolve with us? Will not

our young men take their axes upon their shoulders, or their ox-whips in their hands, and drive their teams out in the wilderness upon the very edge and border of civilization, adventurous, fearless, elastic, expansive? Do you not know that we will gear up the team, put the wife and children in the wagon, and be half way there—nay, that we will seize and possess the goodly land, while you are hallooing ‘Pompey, Jube, Scipio, get ready and come?’ That, sir—the peaceful progress of settlement and civilization—must be the real substantial ground of complaint, if there be any.

“The Senator talks about John Brown; and he says the people of Massachusetts approved of John Brown. Let us rise to a higher view. Let the wing of our genius plume itself for a nobler flight than that, here—talking of peace and war in this Senate Chamber. Let us not confine ourselves to the mere bitterness of partisan discussion. John Brown is in his grave. We, as a party, do not condemn the act of Virginia. We, as a party, do condemn his act. We acknowledge it was in violation of the Constitution and of your law. We regret it. It found no sanction in the public mind. If there were men who were sorry, who admired his courage, who sympathized with what they believed to be the integrity of his purpose, though it were a very dangerous, and, in my judgment, a very unworthy purpose, will you dissolve for that? Why, sir, all that line of complaint—I may add all the argument based upon that complaint—is akin to the very peculiar remark made by the Senator from Texas [Mr. Wigfall]. He turned to us the other day and conde-

scended to give us a list of the conditions upon which they would be graciously pleased to receive our capitulation. I do not remember it all. It was speculative, fanciful; but there were some things in it kindred to the complaint and the argument of the Senator from Louisiana. For instance, he said to us: 'You representative men: you Swards and Sumners and Hales and Wilsons, go home and instruct your people to repeal your personal liberty bills; abolish your Abolition societies; stop your presses, and do various things kindred to these, and when you have done that, come back to us and tell us that you have done it, and we will think about it.' Well now, sir, I think the mode of expression was extravagant. It was hardly what I had expected—it was the first speech I heard here—to hear in the Senate of the United States. The sentiment that prompts it is not unlike that of the Senator from Louisiana. He says: 'Do not girdle us; do not circle us; do not enclose us; do not migrate so as to surround us.' That is our right. It would be our right if you were not in a common union with us. It would be your necessity and your misfortune, if there were no free States, no North and no West. Then, sir, as for destroying the liberty of our press, as for abolishing societies formed to promote the abolition of slavery, or for any other purpose in the world, do Senators think when they ask us to do that? Sir, I ask them how? Whether they do it in their own States, it is not for me to determine. Whether the severe necessities of their condition will allow free and unrestrained discussion, it is not for me now to inquire. But I may

inquire how do they expect us to abolish the right of free speech and of free discussion? It is a very unpleasant right sometimes, I know. Looking around upon distinguished men here, I suspect that I do not see one of them that has not suffered excessively by an abuse of that power. I think I could read in the biography of every Senator near me, as given by his enemies, things very far from complimentary; and I suspect they make a good many people believe them.

"I understand, sir, that wherever free government is, and wherever, as a consequence, free speech follows, there things may be said and will be said very unpleasant to hear, and very improper to be believed; and I think that I could show in commentaries in England, even in Holland, and even in Belgium to-day, or wherever else besides here free speech is allowed, reflections upon Government, and upon the personal character of the rulers, as offensive to their tastes and their opinions as any the Senator from Texas or the Senator from Louisiana could point out uttered in any State of the North and West against them. The abuse is, if you like, an evil, incident to free government; and how and why do you ask us to obviate in your case what we cannot remove in our own? Will you really make war upon us, will you really separate from us, because we cannot alter the model and frame of our free Government for which your fathers and ours fought side by side? You will not do that.

"Mr. President, do gentlemen propose to us seriously that we shall stop the right of free discussion; that we shall limit the free press; that we shall

restrain the expression of free opinion everywhere on all subjects and at all times? Why, sir, in our land, if there be any base enough, unreflecting enough, to blaspheme the Maker that created him, or the Saviour that died for him, we have no power to stop him. If there be the most bitter, unjust, and vehement denunciation upon all the principles of morality and goodness, on which human society is based, and on which it may most securely stand, we have, for great and overruling reasons connected with liberty itself, no power to restrain it. Private character, public service, individual relations—neither these, nor age, nor sex, can be in the nature of our Government exempt from that liability to attack. And, sir, shall gentlemen complain that slavery shall not be made, and is not made, an exception to that general rule? You did that when you made what you call a compact with us. You were then emerging out of the war of Independence. Your fathers had fought for that right, and more than that, they had declared that the violation of that right was one of the great causes which impelled them to the separation.

“I submit these thoughts to gentlemen on the other side, in the candid hope that they will see at once that the attempt to require us to do for them what we cannot do for ourselves is unjust and cruel in the highest degree. Sir, the liberty of the press is the highest safeguard to all free government. Ours could not exist without it. It is with us, nay, with all men, like a great exulting and abounding river. It is fed by the dews of heaven, which distill their sweetest drops to form it. It gushes from

the rill, as it breaks from the deep caverns of the earth. It is fed by a thousand affluents, that dash from the mountain top to separate again into a thousand bounteous and irrigating rills around. On its broad bosom it bears a thousand barks. There Genius spreads its purpling sail. There Poetry dips its silver oar. There Art, Invention, Discovery, Science, Morality, Religion, may safely and securely float. It wanders through every land. It is a genial, cordial source of thought and inspiration, wherever it touches, whatever it surrounds. Sir, upon its borders there grows every flower of grace and every fruit of truth. I am not here to deny that that river sometimes oversteps its bounds. I am not here to deny that that stream sometimes becomes a dangerous torrent, and destroys towns and cities upon its bank; but I am here to say that, without it, civilization, humanity, government, all that makes society itself, would disappear, and the world would return to its ancient barbarism. Sir, if that were to be possible, or so thought for a moment, the fine conception of the great poet would be realized. If that were to be possible, though but for a moment, civilization itself would roll the wheels of its car backward for two thousand years. Sir, if that were so, it would be true that,

“As one by one in dread Medea’s train,  
 Star after star fades off th’ ethereal plain,  
 Thus at her felt approach and secret might,  
 Art after art goes out, and all is night.  
 Philosophy, that leaned on Heaven before,  
 Sinks to her second cause, and is no more.  
 Religion, blushing, veils her sacred fires,  
 And unawares morality expires.’



"Sir, we will not risk these consequences, even for slavery; we will not risk these consequences even for union; we will not risk these consequences to avoid that civil war with which you threaten us; that war which you announce as deadly, and which you declare to be inevitable.

"Sir, while I say that it is quite well that I should announce, at this moment, my opinion as to what we might do, I shall enter into no detail. I shall endeavor to bind nobody else. I shall express my own convictions at the moment, subject, of course, to all the changes that events and circumstances hereafter to transpire may justify. I will never yield to the idea that the great Government of this country shall protect slavery in any Territory now ours, or hereafter to be acquired. It is, in my opinion, a great principle of free government, not to be surrendered. It is, in my judgment, the object of the great battle which we have fought, and which we have won. It is, in my poor opinion, the point upon which there is concord and agreement between the great masses of the North, who may agree in no other political opinion whatever. Be he Republican, or Democrat, or Douglas man, or Lincoln man; be he from the North, or the West, from Oregon, or from Maine, in my judgment, nine-tenths of the entire population of the North and West are devoted, in the very depths of their hearts, to the great constitutional idea that freedom is the rule, that slavery is the exception, that it ought not to be extended by virtue of the powers of the Government of the United States; and, come weal, come woe, it never shall be.

“But, sir, I add one other thing. When you talk to me about compromise or concession, I am not sure that I always understand you. Do you mean that I am to give up my convictions of right? Armies cannot compel that in the breast of a free people. Do you mean that I am to concede the benefits of the political struggle through which we have passed, considered politically, only? You are too just and too generous to ask that. Do you mean that we are to deny the great principle upon which our political action has been based? You know we cannot. But if you mean, by compromise and concession, to ask us to see whether we have not been hasty, angry, passionate, excited, and in many respects violated your feelings, your character, your right of property, we will look; and, as I said yesterday, if we have, we will undo it. Allow me to say again, if there be any lawyer or any court that will advise us that our laws are unconstitutional, we will repeal them. Such is my opinion. Even if our own courts do not believe so and yours do—I say yours, because I do speak now of a supreme court, not subordinate, but acquiescent—if that court shall declare these laws unconstitutional in any particular, we will yield.

“Now as to Territory. I will not yield one inch to secession; but there are things that I will yield, and there are things to which I will yield. It is somewhere told—and the fine reading of my friend from Louisiana will enable him to tell me where—that when Harold of England received a messenger from a brother with whom he was at variance, to inquire on what terms reconciliation and peace could

be effected between brothers, he replied in a gallant and generous spirit, in a few words, 'The terms I offer are the affection of a brother, and the earldom of Northumberland'; 'And,' said the envoy, as he marched up the hall amid the warriors that graced the state of the king, 'if Tosti, thy brother, agree to this, what terms will you allow to his ally and friend, Hadrada, the giant?' 'We will allow,' said Harold, 'to Hadrada, the giant, seven feet of English ground, and if he be as they say, a giant, some few inches more': and as he spake, the hall rang with acclamation.

"Sir, in that spirit I speak. I follow, at a humble distance, the ideas and the words of Clay, illustrious, to be venerated, and honored, and remembered forever. Upon this floor, in 1850, he said, in reference to a threat of secession:

" 'Now, Mr. President, I stand here in my place, meaning to be unawed by any threats, whether they come from man, living or dead, that arms should be raised against the individuals or from States. I should deplore as much as any authority of the Union, either by individuals or by States. But, after all that has occurred, if any one State, or a portion of the people of any State, choose to place themselves in military array against the Government of the Union, *I am for trying the strength of the Government*. I am for ascertaining whether we have a Government or not—practical, efficient, capable of maintaining its authority, and of upholding the powers and interests which belong to a Government. Nor, sir, am I to be alarmed or dissuaded from any such course by intimations of the spilling of blood. *If blood is to be spilled, by whose fault is it?* Upon the supposition I maintain, it will be the fault of those who choose to raise the standard of disunion, and endeavor to prostrate this Government; and, sir, when that is done, so long as it pleases God to give me a voice to express my sentiments, or an arm, weak and enfeebled as it may be by age, that voice and that arm will be on the side

of my country for the support of the general authority, and for maintenance of the powers of this Union.'

"He said, I say, that I will yield no inch, no word, to the threat of secession, unconstitutional, revolutionary, dangerous, unwise, at variance with the heart and the hope of all mankind save themselves. To that I yield nothing; but if States loyal to the Constitution, if people magnanimous and just, desiring a return of fraternal feeling, shall come to us and ask for peace, for permanent, enduring peace and affection, and say, 'What will you grant?' I say to them, 'Ask all that a gentleman ought to propose; and I will yield all that a gentleman ought to offer.' Nay, more: if you are galled because we claim the right to prohibit slavery in territory now free, or in any Territory which acknowledges our jurisdiction, we will evade—I speak but for myself—I will aid in evading that question; I will agree to make it all States, and let the people decide at once. I will agree to place them in that condition where the prohibition of slavery will never be necessary to justify ourselves to our consciences or to our constituents. I will agree to anything which is not to force upon me the necessity of protecting slavery in the name of freedom. To that I never can and never will yield.

"Now, Mr. President, I trust I say that in no spirit of unkindness. My friend from Louisiana, in his count—his hypothetical count—against us, supposes a case. He says: 'If you were to refuse South Carolina her two Senatorships; if you were to allow her but one Senator, what then? Revolution.' He says: 'What if a Northern President

just elected should come in and give all the offices to Northern men, eating out the substance of us of the South, what then?" Well, I answer to that: 'Wait, and do not dissolve the Union upon a hypothesis.' I might tell my friend from Louisiana that, after all, this thing of not having office is not so very hard to bear. We Whigs tried it a long time; we Republicans have experienced it very often. I have been for nearly thirty years a man, and have never been able except for a very, very few months, during all that time, to have my slightest wish as to the General Government gratified, even to the appointment of a tide-waiter. I have been, so far as the affairs of the General Government are concerned, as thoroughly disfranchised as if I were a Chinese or a Hottentot. What little of position or of place I have acquired, has been by the generous confidence of my own State; but I have been tabooed—not I alone, but we Whigs, we Republicans, have been tabooed by the General Government. I will not say vindictively, but, I will certainly say, uniformly. It is not so bad to take as you might suppose; it is nothing when you get used to it. [Laughter.] We have not proposed to dissolve the Union for that. Sir, we have never allowed the flame of our loyalty for one moment to fade because that was so. We have loved the Union all the better the worse we were governed in it, and we will continue to do so when we are beaten, as we shall sometimes be, to the end of the chapter.

"I ask the distinguished gentleman from Louisiana, does it not look—I will not say that it is that way—but does it not look as if you cannot bear the

mortification of a little defeat? You have had all the offices, all the honors—the President on his throne, the dignity of this Chamber, the power of the House of Representatives, the acquiescence of the Supreme Court, a long array of foreign ministers, Cabinet officers—everything that can grace your state and form your procession; and most of you have had them ever since you were children; and now, when, according to the will of the people, constitutionally expressed, you are likely to lose one branch of the Government for a brief season, and as many of you believe even if you remain with us but for a very brief season, you propose to dissolve this Government and inaugurate civil war. Why, sir, as the distinguished gentlemen from Tennessee [Mr. Johnson] has said so well, in a speech in which there are so many things with which I agree, that I grieve there should be so many others in which I cannot agree—a speech Jacksonian in its tone, often Websterian in its argument—as he has said, and well said, even in the case of the President, what can he do without you; you have a majority upon this floor; you can check him in his power of appointment; you can compel him to select good men. Will he touch slavery; will his Cabinet; will you let him? Who is to be hurt? A gentleman from Georgia said the other day that the Federal Government might comply with all the requisitions of the Constitution, and yet in ten years slavery cease to exist. How?

[At this point, a chair occupied by Mr. Mason in the area in front of the Secretary's desk, owing to



the frail condition of its supporters, gave way, precipitating its occupant to the floor.]

"The incident before me, Mr. President, is not the only case where a fall will succeed dissolution. [Laughter.]

"Sir, I am loth to believe that gentlemen are really in earnest in supposing, in the case before me, in believing that if men will not serve in the South, and they are appointed from the North because you will not serve there, that is cause of separation. When we were engaged ten years ago, as I left this coast, in compromise, as some people say we are now, I heard somebody say, 'O, never mind, never mind; only give me a toll of a dollar apiece on all men of the South who will come over the Potomac to get office, and I would be a rich man.' I admit the sentiment is very different now in some of the Southern States, perhaps in all. I will say another thing: the sentiment to hold office now among loyal men at the South is not for the mere sake of office; it is a higher hope and a holier purpose; they come now, when they do come, or as they shall come, for the Union, for good government, for constitutional government, for peace, for glory, and for the immortal renown of their country. Amid all the threats of dissolution, amid all the croakings and predictions of evil, when the gentleman gets up inflamed by the momentary inspiration, and declares that there will be civil war, and when, while with one breath he says there will be civil war, in the next as he concludes, in an expression full of pathos, he says, 'Let us depart in peace,' 'crying peace, peace, when there is no peace'—amid all this, I have great



faith yet in the loyalty of the people of the South to the Union. I see around me to-day, on every hand, that the clouds are breaking away. I have great—I had well nigh said unshaken—confidence in right, in truth, and in duty. I see men of every shade of opinion upon other subjects, agreeing in this one thing: that in secession there is danger and death. I see from ‘Old Chippewa,’ from General Wool, from men of their high character, of their great age, of their proud career, of their enlarged patriotism, down to the lower ranks of men who love the country and venerate the Constitution—I see and I hear everywhere expressions that even yet fill the patriot heart with hope; and I am not without hope that, when there is delay, when time is allowed to the feverish sentiment to subside and for returning reason to resume its place, trusted to the people of this whole Union, the Constitution of the Union will remain safe, unshaken forever; yes, sir, until,

“‘Wrapt in flames the worlds of ether glow,  
And Heaven’s last thunder shakes the world below.’

“Sir, as I approach a close, I am reminded that the honorable Senator from Louisiana has said, in a tone which I by no means admire, ‘Now, gentlemen of the North, a State has seceded; you must either acknowledge her independence, or you must make war.’ To that we reply: we will take no counsel of our opponents; we will not acknowledge her independence. They say we cannot make war against the State; and the gentleman undertakes to ridicule the distinction which we make between a State and individuals. Sir, it was a dis-

inction that Mr. Madison well understood; it was a distinction that General Jackson was very well determined to recognize; it was the distinction which was made in the whole argument when the Constitution was formed; and I may say here and now, that all the arguments adduced by the gentleman from Elliot's Debates on the subject of the formation of the Constitution, were arguments addressed against the propriety or wisdom of giving, under the old patched-up Confederation, power to the Government to compel States, because they could not; they did not dare to do it, for they did not choose to confound the innocent with the guilty, and make war on some portion of unoffending people because others were guilty; and therefore, among other reasons, the new Government was formed a Union, 'a more perfect Union,' by one people. That is the answer to the whole argument.

"Now, sir, let us examine for a minute this idea that we cannot make war. First, we do not propose to do it. Does any gentleman on this side of the Chamber propose to declare war against South Carolina? Did you ever hear us suggest such a thing? You talk to us about coercion; many of you talk to us as if you desired us to attempt it. It would not be very strange if a Government, and hitherto a great government, were to coerce obedience to her law upon the part of those who were subject to her jurisdiction. No great cause of complaint in that, certainly. 'But,' says the gentleman, 'these persons offending against your law are a sovereign State; you cannot make war upon her;' and, following out with the acuteness of a lawyer what he supposes to

be the *modus operandi*, he asks: 'What will you do if you will not acknowledge her independence, and you do not make war; how will you collect your revenue?' And he goes on to show very conclusively, to his own mind, that we cannot. He shows us how a skilful lawyer, step by step, will interpose exception, motion, demurrer, rejoinder, and sur-rejoinder, from the beginning to the end of the legal chapter; and he says, with an air of triumph, which I thought did not well become a gentleman that is yet (may he remain so always) a Senator from a sovereign State, upon the floor of this Chamber; he says, with an air of triumph: 'It is nonsense; you cannot do it; you will not acknowledge her; you will not declare war; you cannot collect your revenue.' Sir, if that is the case to-day, it has been so for seventy years; we have been at the mercy of anybody and everybody who might choose to flout us. Is that true? Are we a Government? Have we power to execute our laws? The gentleman threatens us with the consequences; and he says if we attempt it, there will be all sorts of legal delays interposed, and when that is done, there will be a mob; a great Government will be kicked out of existence by the tumultuous and vulgar feet of a mob, and he seems to rejoice at it. If we do not do it, he says, 'Why do you not advance?' He puts me somewhat in mind of the lawyer—and belonging to that honorable profession myself, he will pardon me for alluding to it—in the play of London Assurance, I think, who gets into a controversy with Cool, insults him, and says, when Cool does not kick him, that 'he is a low, underbred fellow; he cannot afford

the luxury of kicking me: he knows he would have to pay for it.' [Laughter.] Why, Mr. President, against the legal objections to collecting the revenue in a case where South Carolina revolts, and individuals refuse to pay duties, against the lawyership of my friend from Louisiana I will put another lawyer, General Jackson, a man of whom Mr. Webster said, that when he put his foot out he never took it back; and if the gentleman wants a solution of the difficulties as to the manner in which the revenue is to be collected near the sovereign State of South Carolina, when she is in a condition of revolt or revolution, I will show him what General Jackson thought, and ordered to be done, when South Carolina revolted once before. I will read, or my distinguished friend, who sits near me, will read for me, the instructions of General Jackson as to the mode of collecting the revenue when South Carolina was preparing by ordinance of nullification to refuse to pay it."

Mr. DOOLITTLE read, as follows, from President Jackson's instructions to the collector at Charleston, of the 6th of November, 1832:

"Upon the supposition that the measures of the convention, or the acts of the Legislature, may consist, in part at least, in declaring the laws of the United States imposing duties unconstitutional, and null and void, and in forbidding their execution and the collection of the duties within the State of South Carolina, you will, immediately after it shall be formally announced, resort to all the means provided by the laws, and particularly by the act of the 2d of March, 1799, to counteract the measures which may be adopted to give effect to that declaration.

"For this purpose you will consider yourself authorized to employ the revenue cutters which may be within your district, and provide as many boats, and employ as many inspectors as

may be necessary for the execution of the law, and for the purposes of the act already referred to. You will, moreover, cause a sufficient number of officers of cutters and inspectors to be placed on board, and in charge of every vessel arriving from a foreign port or place with goods, wares, or merchandise, as soon as practicable after her first coming within your district, and direct them to anchor her in some safe place within the harbor, where she may be secure from any act of violence, and from any unauthorized attempt to discharge her cargo before a compliance with the laws; and they will remain on board of her at such place until the reports and entries required by law shall be made, both of vessel and cargo, and the duties paid or secured to be paid to your satisfaction, and until the regular permit shall be granted for landing the cargo; and it will be your duty, against any forcible attempt, to retain and defend the custody of said vessel by the aid of the officers of the customs, inspectors and officers of the cutters, until the requisitions of the law shall be fully complied with; and in case of any attempt to remove her or her cargo from the custody of the officers of the customs, by the form of legal process from State tribunals, you will not yield the custody to such attempt; but will consult the law officer of the district, and employ such means as, under the peculiar circumstances, you may legally do, to resist such process, and prevent the removal of the vessel and cargo.

“Should the entry of such vessel and cargo not be completed, and the duties paid, or secured to be paid by bond, or bonds with securities to your satisfaction, within the time limited by law, you will, at the expiration of that time, take possession of the cargo, and land and store the same at Castle Pinckney, or some other safe place; and in due time, if the duties are not paid, sell the same, according to the direction of the fifty-sixth section of the act of the 2d of March, 1799; and you are authorized to provide such stores as may be necessary for that purpose.’”

Mr. BAKER. “Mr. President, there is my answer to the whole argument of inconvenience and impossibility on the part of the distinguished Senator from Louisiana. There is the manner allowing all the ingenuity he can claim for his plan of defeat; there is the way in which the Old Hero cut the knot

which some people cannot untie. And that is neither an acknowledgment of the independence of South Carolina, nor is it war. If, from that, collision come, let him bear the danger who provokes it.

“Why, sir, there is nothing practical in this attempted idea that we cannot punish an individual, or that we cannot compel him to obey the law, because a sovereign State will undertake to succor him. There is no more sense in that, than there was in the excuse made by a celebrated commander-in-chief for profane swearing. The Duke of York, as you may remember, sir, was, during the reign of George III, his father, not only commander-in-chief of the British forces, but he was titular Bishop of Osnaburgh: that is, he had a little principality in Germany, which was originally related to the Church, and he was nominal bishop of that principality. At a tavern one day, while the commander-in-chief was swearing profanely, a gentleman of the Church of England felt it his duty to reprove him, and said to him, ‘Sir, I am astonished that a bishop should swear in the manner that you do.’ ‘Sir,’ said he, ‘I want you to distinctly understand that I do not swear as the Bishop of Osnaburgh; I swear as the Duke of York, the commander-in-chief.’ ‘Ah, sir,’ said the old man, ‘when the Lord shall send the duke to hell, what will become of the bishop?’ [Laughter.] Now, if, in consequence of an attempt to violate the revenue laws, some persons should be hurt, I do not know that it will better their condition at all that South Carolina will stand as a stake to their back. I think that is the plain common-sense answer to all that has been said on that subject.



"Sir, as I leave that branch of it, indeed as I leave the subject altogether, I will simply say that I hope it will never come. Whatever moderation, whatever that great healer, Time, whatever the mediation of those allied to these people in blood, in sympathy, in interest, may effect, let that be done; but at last let the laws be maintained and the Union preserved. At whatever cost, by whatever constitutional process, through whatever of darkness or danger there may be, let us proceed in the broad luminous path of duty 'till danger's troubled night be passed and the star of peace returns.'

"As I take my leave of a subject upon which I have detained you too long, I think in my own mind whether I shall add anything in my feeble way to the hopes, the prayers, the aspirations that are going forth daily for the perpetuity of the Union of these States. I ask myself, shall I add anything to that volume of invocation which is everywhere rising up to high Heaven, 'spare us from the madness of disunion and civil war!' Sir, standing in this Chamber and speaking upon this subject, I cannot forget that I am standing in a place once occupied by one far, far mightier than I, the latchet of whose shoes I am not worthy to unloose. It was upon this subject of secession, of disunion, of discord, of civil war, that Webster uttered those immortal sentiments clothed in immortal words, married to the noblest expressions that ever fell from human lips, which alone would have made him memorable and remembered forever. Sir, I cannot improve upon those expressions. They were uttered nearly thirty years ago, in the face of what was imagined to be a great danger,



then happily dissipated. They were uttered in the fullness of his genius, from the fullness of his heart. They have found echo since then in millions of homes and in foreign lands. They have been a textbook in schools. They have been an inspiration to public hope and to public liberty. As I close, I repeat them; I adopt them. If in their presence I were to attempt to give utterance to any words of my own, I should feel that I ought to say,

“And shall the lyre so long divine,  
Degenerate into hands like mine?”

“Sir, I adopt the closing passages of that immortal speech; they are my sentiments; they are the sentiments of every man upon this side of the Chamber; I would fain believe they are the sentiments of every man upon this floor; I would fain believe that they are an inspiration, and will become a power throughout the length and breadth of this broad Confederacy; that again the aspirations and hopes and prayers for the Union may rise like a perpetual hymn of hope and praise. But, sir, however this may be, these thoughts are mine; these prayers are mine; and, as reverently and fondly I utter them, I leave the discussion:

“When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured, bearing for its motto

no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first. and Union afterwards;" but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole Heavens, that other sentiment, dear to every true American heart, "*Liberty and Union, now and forever, one and inseparable!*"',"

FAREWELL SPEECH OF SENATOR ROBERT TOOMBS  
OF GEORGIA, DELIVERED JANUARY 7, 1861

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MR. TOOMBS. "Mr. President and Senators, I obtained the floor last Thursday with a view of addressing this body upon the various propositions which were submitted to the committee of thirteen, of which I was a member. I am indifferent as to this substitution; but not having seen the proposition of the Senator from Kentucky, my remarks will be confined mainly to the action of the committee of thirteen. This, I understand, is somewhat like one of the propositions, though not identically that one, to which I may have occasion to advert in the course of my argument on the propositions submitted by the honorable Senator from Kentucky in the committee of thirteen.

"The success of the Abolitionists and their allies, under the name of the Republican party, has produced its logical results already. They have for long years been sowing dragons' teeth, and have finally got a crop of armed men. The Union, sir, is dissolved. That is an accomplished fact in the path of this discussion that men may as well heed. One of your confederates has already, wisely, bravely, boldly, confronted public danger, and she is only

ahead of many of her sisters because of her greater facility for speedy action. The greater majority of those sister States, under like circumstances, consider her cause as their cause; and I charge you in their name to-day, 'Touch not Seguntum.' It is not only their cause; but it is a cause which receives the sympathy and will receive the support of tens and hundreds of thousands of honest patriotic men in the non-slaveholding States, who have hitherto maintained constitutional rights, who respect their oaths, abide by compacts, and love justice. And while this Congress, this Senate and this House of Representatives, are debating the constitutionality and the expediency of seceding from the Union, and while the perfidious authors of this mischief are showering down denunciations upon a large portion of the patriotic men of this country, those brave men are coolly and calmly voting what you call revolution—ay, sir, doing better than that: arming to defend it. They appealed to the Constitution, they appealed to justice, they appealed to fraternity, until the Constitution, justice, and fraternity were no longer listened to in the legislative halls of their country, and then, sir, they prepared for the arbitrament of the sword; and now you see the glittering bayonet, and you hear the tramp of armed men from your capital to the Rio Grande. It is a sight that gladdens the eyes and cheers the heart of other millions ready to second them. Inasmuch, sir, as I have labored earnestly, honestly, sincerely, with these men to avert this necessity so long as I deemed it possible, and inasmuch as I heartily approve their present conduct of resistance, I deem it my duty to state their case to

the Senate, to the country, and to the civilized world.

“Senators, my countrymen have demanded no new Government; they have demanded no new Constitution. Look to their records at home and here from the beginning of this national strife until its consummation in the disruption of the Empire, and they have not demanded a single thing except that you shall abide by the Constitution of the United States; that constitutional rights shall be respected, and that justice shall be done. Sirs, they have stood by your Constitution; they have stood by all its requirements; they have performed all of its duties unselfishly, uncalculatingly, disinterestedly, until a party sprang up in this country which endangered their social system—a party which they arraign, and which they charge before the American people and all mankind, with having made proclamation of outlawry against four thousand millions of their property in the Territories of the United States; with having put them under the ban of the Empire in all the States in which their institutions exist, outside of the protection of Federal laws; with having aided and abetted insurrection from within and invasion from without, with the view of subverting those institutions, and desolating their homes and their firesides. For these causes they have taken up arms. I shall proceed to vindicate the justice of their demands, the patriotism of their conduct. I will show the injustice which they suffer and the rightfulness of their resistance.

“I shall not spend much time on the question that seems to give my honorable friend [Mr. Crittenden]

so much concern—the constitutional right of a State to secede from this Union. Perhaps he will find out after a while that it is a fact accomplished. You have got it in the South pretty much in both ways. South Carolina has given it to you regularly, according to the approved plan. You are getting it just below there [in Georgia] I believe, irregularly, outside of law, without regular action. You can take it either way. You will find armed men to defend both.

“I have stated that the discontented States of this Union have demanded nothing but clear, distinct, unequivocal, well-acknowledged constitutional rights; rights affirmed by the highest judicial tribunals of their country; rights older than the Constitution; rights which are planted upon the immutable principles of natural justice; rights which have been affirmed by the good and the wise of all countries, and of all centuries. We demand no power to injure any man. We demand no right to injure our Confederate States. We demand no right to interfere with their institutions, either by word or deed. We have no right to disturb their peace, their tranquillity, their security. We have demanded of them simply, solely—nothing else—to give us *equality, security and tranquillity*. Give us these, and peace restores itself. Refuse them, and take what you can get.

“I will now read my own demands, acting under my own convictions, and the universal judgment of my countrymen. They are considered the demands of an extremist. To hold to a constitutional right now makes one considered an *extremist*—I believe that is the appellation these traitors and villains,

North and South, employ. I accept their reproach rather than their principles. Accepting their designation of treason and rebellion, there stands before them as good a traitor, and as good a rebel, as ever descended from revolutionary loins.

“What do these rebels demand? First, ‘that the people of the United States shall have an equal right to emigrate and settle in the present, or any future acquired Territories, with whatever property they may possess (including slaves) and be securely protected in its peaceable enjoyment until such Territory may be admitted as a State into the Union, with or without slavery, as she may determine, on an equality with all existing States.’ That is our territorial demand. We have fought for this Territory when blood was its price. We have paid for it when gold was its price. We have not proposed to exclude you, though you have contributed very little of either blood or money. I refer especially to New England. We demand only to go into those Territories upon terms of equality with you, as equals in this great Confederacy, to enjoy the common property of the whole Union, and receive the protection of the common Government, until the Territory is capable of coming into the Union as a sovereign State, when it may fix its own institutions to suit itself.

“The second proposition is: ‘that property in slaves shall be entitled to the same protection from the Government of the United States, in all of its departments, everywhere, which the Constitution confers the power upon it to extend to any other property, provided nothing herein contained shall be



construed to limit or restrain the right now belonging to every State to prohibit, abolish, or establish and protect slavery within its limits.' We demand of the common Government to use its granted powers to protect our property as well as yours. For this protection we pay as much as you do. This very property is subject to taxation. It has been taxed by you, and sold by you for taxes. The title to thousands and tens of thousands of slaves is derived from the United States. We claim that the Government, while the Constitution recognizes our property for purposes of taxation, shall give it the same protection that it gives yours. Ought it not to do so? You say no. Every one of you upon the committee said no. Your Senators say no. Your House of Representatives says no. Throughout the length and breadth of your conspiracy against the Constitution, there is but one shout of no! This recognition of this right is the price of my allegiance. Withhold it, and you do not get my obedience. This is the philosophy of the armed men who have sprung up in this country. Do you ask me to support a Government that will tax my property; that will plunder me; that will demand my blood, and will not protect me? I would rather see the population of my own native State laid six feet beneath her sod than that they should support for one hour such a Government. Protection is the price of obedience everywhere, in all countries. It is the only thing that makes Government respectable. Deny it, and you cannot have free subjects or citizens; you may have slaves.

"We demand, in the next place, 'that persons

committing crimes against slave property in one State, and fleeing to another, shall be delivered up in the same manner as persons committing crimes against other property, and that the laws of the State from which such persons flee shall be the test of criminality.' That is another one of the demands of an extremist and rebel. The Constitution of the United States, article four, section two, says:

"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.'

"But the non-slaveholding States, treacherous to their oaths and compacts, have steadily refused, if the criminal only stole a negro, and that negro was a slave, to deliver him up. It was refused twice on the requisition of my own State as long as twenty-two years ago. It was refused by Kent and by Fairfield, Governors of Maine, and representing, I believe, each of the then Federal parties. We appealed then to fraternity, but we submitted; and this constitutional right has been, practically, a dead letter from that day to this.

"The next case came up between us and the State of New York, when the present senior Senator [Mr. Seward] was the Governor of that State; and he refused it. Why? He said it was not against the laws of New York to steal a negro, and therefore he would not comply with the demand. He made a similar refusal to Virginia. Yet these are our confederates; these are our sister States! There is the bargain; there is the compact. You have sworn to

it. Both these Governors swore to it. The Senator from New York swore to it. The Governor of Ohio swore to it when he was inaugurated. You cannot bind them by oaths. Yet they talk to us of treason; and I suppose they expect to whip freemen into loving such brethren! They will have a good time in doing it! It is natural we should want this provision of the Constitution carried out. The Constitution says slaves are property; the Supreme Court says so; the Constitution says so. The theft of slaves is a crime; they are a subject-matter of felonious asportation. By the text and letter of the Constitution you agreed to give them up. You have sworn to do it, and you have broken your oaths. Of course, those who have done so look out for pretexts. Nobody expected them to do otherwise. I do not think I ever saw a perjurer, however bald and naked, who could not invent some pretexts to palliate his crime, or who could not, for fifteen shillings, hire an Old Bailey lawyer to invent some for him. Yet this requirement of the Constitution is another one of the extreme demands of an extremist and a rebel.

“The next stipulation is that a fugitive slave shall be surrendered under the provisions of the fugitive slave act of 1850, without being entitled either to a writ of *habeas corpus* or trial by jury, or other similar obstructions of legislation, in the State to which he may flee. Here is the Constitution:

“‘No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.’

"This language is plain, and everybody understood it the same way for the first forty years of your Government. In 1793, in Washington's time, an act was passed to carry out this provision. It was adopted unanimously in the Senate of the United States, and nearly so in the House of Representatives. Nobody then had invented pretexts to show that the Constitution did not mean a negro slave. It was clear; it was plain. Not only the Federal courts, but all the local courts in all the States, decided that this was a constitutional obligation. How is it now? The North sought to evade it; following the instincts of their national character, they commenced with the fraudulent fiction that fugitives were entitled to *habeas corpus*, entitled to trial by jury in the State to which they fled. They pretended to believe that fugitive slaves were entitled to more rights than their white citizens; perhaps they were right, they know one another better than I do. You may charge a white man with treason, or felony, or other crime, and you do not require any trial by jury before he is given up; there is nothing to determine but that he is legally charged with a crime and that he fled, and then he is to be delivered up upon demand. White people are delivered up every day in this way; but not slaves. Slaves, black people, you say, are entitled to trial by jury; and in this way schemes have been invented to defeat your plain constitutional obligations. In January, last year, I argued this question, and presented at the close of my speech a compilation made by a friend of mine, of the laws of the non-slaveholding States on this point. The honorable gentleman from Vermont

[Mr. Collamer] commented upon the reference to his State, and the greater portion of his speech was taken up with a discussion of the particular act which was quoted in my appendix. I have no doubt the Senator did not know of the act of 1858, because certainly his argument would not have been made if he did; he certainly was not informed as to the act of 1858. I will read him one or two of the sections of that act. I referred to and commented on it then in my speech; but in the appendix containing the compilation there was an accidental misreference. That act provides—

“‘That every person who may have been held as a slave, who shall come or be brought or be in this State, with or without the consent of his or her alleged master—’”

Mr. COLLAMER. “What date is that?”

Mr. TOOMBS. “Eighteen hundred and fifty-eight. It is entitled ‘An act to secure freedom to all persons in this State.’”

Mr. COLLAMER. “That was not the one mentioned in the Senator’s speech.”

Mr. TOOMBS. “I have explained why it was not in the appendix; but I had read it, and I supposed the Senator had. The Senator made his speech on this reference, because, I suppose, it was more easily answered.”

Mr. COLLAMER. “I made the speech upon the one to which reference was made.”

Mr. TOOMBS. “That was very adroitly done, or very ignorantly done, I do not know which; but I want to set that portion of our record right. This was the act to which I referred, and upon which I commented in the body of the speech, though not in

the appendix, which was prepared by another person:

"Every person who may have been held as a slave, who shall come, or be brought, or be in this State with or without the consent of his or her alleged master or mistress, *or who shall come or be brought, or be in this State, shall be free.*'

"The Constitution of the United States says they shall not be free; Vermont says they shall; and yet all her legislators are sworn to obey the Constitution. Vermont says if slaves come, voluntarily or involuntarily, with or without consent; if they flee from service, or come into Vermont in any way, they shall be free. The Constitution says they shall not be discharged from service if they flee; Vermont says they shall be. That is another one of our sisters, for whom it is said we ought to have a deep attachment.

"Again:

"SEC. 7. Every person who shall hold, or attempt to hold, in this State, in slavery, or as a slave, any free person, in any form or for any time, however short, under the pretense that such person is or has been a slave, shall, on conviction thereof, be imprisoned in the State prison for a term not less than five years nor more than twenty years, and be fined not less than \$1,000 nor more than \$10,000."

"This is decidedly fraternal! If a man passes voluntarily through the State of Vermont with his slave, that State, in her fraternal affection, will keep him fifteen years in the State prison and fine him \$2,000. Fraternal, affectionate Vermont! I have made these references for the benefit of the Senator. Will he say that this was done only to carry out the decision in *Prigg vs. Pennsylvania*?

"I have heretofore shown that a plain constitu-



tional provision has been violated by specific acts in thirteen of these States; but in the Pilgrim's Progress they finally do it, I believe, without acts of legislation. Mr. Lincoln and his party have taken an easier position; and now such has been the rapid descent into error as Virgil describes that into hell, 'smooth is the descent and easy the way,' that now they even refuse to admit that legislative acts are necessary to enable them to defeat the Constitution; they profess to defeat it by circumvention; they think it better to be cunning than strong. Personal liberty bills are the bungling contrivances of a less advanced accomplishment in crime. I should not be surprised if they should repeal all of them, for they do not need them now. Lincoln says they are unnecessary; that by the Constitution it is settled that all men are created free and equal, and that all men are entitled to an equal participation in the Government, and that the Declaration of Independence refers to slaves; that no man shall be deprived of his life and liberty and property without the judgment of his peers or the law of the land. Apply these principles as the Black Republicans intend to apply them, and they have no need for personal liberty bills. They are far in advance of such contrivances. The progressive spirit of the age will not wait upon such devices. They may now dispense with these superseded devices; but I undertake to say here that no Black Republican Legislature that repeals them will ever say that it is their purpose or duty to surrender the fugitive. No, sir, they do not intend to do that. They may delude you in order to get power; they may deceive you to get possession of



this Government; but there is neither faith, nor truth, nor manhood in this conspiracy.

"The next demand made on behalf of the South is, 'that Congress shall pass efficient laws for the punishment of all persons in any of the States who shall in any manner aid and abet invasion or insurrection in any other State, or commit any other act against the laws of nations, tending to disturb the tranquillity of the people or government of any other State.' That is a very plain principle. The Constitution of the United States now requires, and gives Congress express power, to define and punish piracies and felonies committed on the high seas, and *offenses against the laws of nations*. When the honorable and distinguished Senator from Illinois [Mr. Douglas] last year introduced a bill for the purpose of punishing people thus offending under that clause of the Constitution, Mr. Lincoln, in his speech at New York, which I have before me, declared that it was a 'sedition bill;' his press and party hooted at it. So far from recognizing the bill as intended to carry out the Constitution of the United States, it received their jeers and gibes. The Black Republicans of Massachusetts elected the admirer and eulogist of John Brown's courage as their Governor, and we may suppose he will throw no impediments in the way of John Brown's successors. The epithet applied to the bill of the Senator from Illinois is quoted from a deliberate speech delivered by Lincoln in New York, for which, it was stated in the journals, according to some resolutions passed by an association of his own party, he was paid a couple of hundred dollars. The speech should there-

fore have been deliberate. Lincoln denounced that bill. He places the stamp of his condemnation upon a measure intended to promote the peace and security of Confederate States. He is, therefore, an enemy of the human race, and deserves the execration of all mankind.

"We demand these five propositions. Are they not right? Are they not just? Take them in detail, and show that they are not warranted by the Constitution, by the safety of our people, by the principles of eternal justice. We will pause and consider them; but mark me, we will not let you decide the question for us.

"But we are told by well-meaning but simple-minded people that admit your wrongs, your remedies are not justifiable. Senators, I have little care to dispute remedies with you, unless you propose to redress my wrongs. If you propose that in good faith, I will listen with respectful deference; but when the objectors to my remedies propose no adequate ones of their own, I know what they mean by the objection. They mean submission. I tell them, if I have good sight, perhaps the musket will improve my defective remedy. But still, I will as yet argue it with them.

"These thirteen Colonies originally had no bond of union whatever; no more than Jamaica and Australia have to-day. They were wholly separate communities, independent of each other, and dependent on the Crown of Great Britain. All the union between them that was ever made is in writing. They made two written compacts. One was known as the Articles of Confederation, which declared that the

Union thereby formed should be perpetual—an argument very much relied upon by ‘the friends of the Union’ now. Those Articles of Confederation in terms declared that they should be perpetual. I believe that expression is used in our last treaty with Billy Bowlegs, the chief of the Seminoles. I know it is a phrase used in treaties with all nations, civilized and savage. Those that are not declared eternal are the exceptions; but usually treaties profess to be for ‘perpetual friendship and amity,’ according to their terms. So was that treaty between the States. After a while, though, the politicians said it did not work well. It carried us through the Revolution. The difficulty was, that after the war there were troubles about the regulation of commerce, about navigation, but above all, about financial matters. The Government had no means of getting at the pockets of the people; and but for that one difficulty, this present Government would never have been made. The country is deluded with the nonsense that this bond of union was cemented by the blood of brave men in the Revolution. Sir, it is false. It never cost a drop of blood. A large portion of the best men of the Revolution voted against it. It was carried in the convention of Virginia by but ten majority, and among its opponents were Monroe and Henry, and other men who had fought the war, who recorded their judgment that it was not a good bond; and I am satisfied to-day that they were the wiser men. This talk about the blood of patriots is intended to humbug the country, to scare the old women. Why, sir, it never cost a drop of blood. It was carried in some of the States by treachery, by

men betraying their constituents. That is the history of the times. Five votes would have tied it in Virginia. It passed New York by but three majority. Out of nearly four hundred in the convention of Massachusetts, it passed by nineteen. That is the history of the action of the three greatest States of the Union at that time. Some of the bravest and the boldest and the best men of the Revolution, who fought from its beginning to its end, were opposed to the plan of union; and among them was the illustrious author of the Declaration of Independence himself. Are we to be deterred by the cry, that we are laying our unhallowed hands on this holy altar? Sir, I have no hesitation in saying that a very large portion of the people of Georgia, whom I represent, prefer to remain in this Union with their constitutional rights—I would say ninety per cent. of them—believing it to be a good Government. They have lived and prospered in it. Shallow-pated fools have told them this Government was the cause of their prosperity, and they have never troubled themselves to inquire whether or not this were true. I think it had but little to do with their prosperity beyond securing their peace with other nations, and that boon has been paid for at a price that no freeman ought to submit to. These are my own opinions; they have been announced to my constituents, and I announce them here. Had I lived in that day, I should have voted with the majority in Virginia, with Monroe, Henry, and the illustrious patriots who composed the seventy-nine votes against the adoption of the present plan of Government. In my opinion, if they had prevailed, to-day the men of the

South would have the greatest and most powerful nation of the earth. Let this judgment stand for future ages.

“Senators, the Constitution is a compact. It contains all our obligations and duties of the Federal Government. I am content, and have ever been content, to sustain it. While I doubt its perfection; while I do not believe it was a good compact; and while I never saw the day that I would have voted for it as a proposition *de novo*, yet I am bound to it by oath and by that common prudence which would induce men to abide by established forms, rather than to rush into unknown dangers. I have given to it, and intend to give to it, unfaltering support and allegiance; but I choose to put that allegiance on the true ground, not on the false idea that anybody's blood was shed for it. I say that the Constitution is the whole compact. All the obligations, all the chains that fetter the limbs of my people, are nominated in the bond, and they wisely excluded any conclusion against them, by declaring that the powers not granted by the Constitution to the United States, or forbidden by it to the States, belonged to the States respectively or the people. Now I will try it by that standard; I will subject it to that test. The law of nature, the law of justice, would say—and it is so expounded by the publicists—that equal rights in the common property shall be enjoyed. Even in a monarchy the king cannot prevent the subjects from enjoying equality in the disposition of the public property. Even in a despotic Government this principle is recognized. It was the blood and the money of the whole people (says the learned

Grotius, and say all the publicists) which acquired the public property, and therefore it is not the property of the sovereign. This right of equality being, then, according to justice and natural equity, a right belonging to all States, when did we give it up? You say Congress has a right to pass rules and regulations concerning the Territory and other property of the United States. Very well. Does that exclude those whose blood and money paid for it? Does 'dispose of' mean to rob the rightful owners? You must show a better title than that, or a better sword than we have.

"But, you say, try the right. I agree to it. But how? By our judgment? No, not until the last resort. What then; by yours? No, not until the same time. How then try it? The South has always said, by the Supreme Court. But that is in our favor, and Lincoln says he will not stand that judgment. Then each must judge for himself of the mode and manner of redress. But you deny us that privilege, and finally reduce us to accepting your judgment. We decline it. You say you will enforce it by executing laws; that means your judgment of what the laws ought to be. Perhaps you will have a good time of executing your judgment. The Senator from Kentucky comes to your aid, and says he can find no constitutional right of secession. Perhaps not; but the Constitution is not the place to look for State rights. If that right belongs to independent States, and they did not cede it to the Federal Government, it is reserved to the States, or to the people. Ask your new commentator where he gets your right to judge for us. Is it in the bond?



"The Northern doctrine was, many years ago, that the Supreme Court was the judge. That was their doctrine in 1800. They denounced Madison for the report of 1799, on the Virginia resolutions; they denounced Jefferson for framing the Kentucky resolutions, because they were presumed to impugn the decisions of the Supreme Court of the United States; and they declared that that court was made, by the Constitution, the ultimate and supreme arbiter. That was the universal judgment—the declaration of every free State in this Union, in answer to the Virginia resolutions of 1798, or of all who did answer, even including the State of Delaware, then under Federal control.

"The Supreme Court have decided that, by the Constitution, we have a right to go to the Territories and be protected there with our property. You say, we cannot decide the compact for ourselves. Well, can the Supreme Court decide it for us? Mr. Lincoln says he does not care what the Supreme Court decides, he will turn us out anyhow. He says this in his debate with the honorable Senator from Illinois [Mr. Douglas]. I have it before me. He said he would vote against the decision of the Supreme Court. Then you do not accept that arbiter. You will not take my construction; you will not take the Supreme Court as an arbiter; you will not take the practice of the Government; you will not take the treaties under Jefferson and Madison; you will not take the opinion of Madison upon the very question of prohibition in 1820. What, then, will you take? You will take nothing but your own judgment; that is, you will not only judge for yourselves, not only



discard the court, discard our construction, discard the practice of the Government, but you will drive us out, simply because you will it. Come and do it! You have sapped the foundations of society; you have destroyed almost all hope of peace. In a compact where there is no common arbiter, where the parties finally decide for themselves, the sword alone at last becomes the real, if not the constitutional, arbiter. Your party says that you will not take the decision of the Supreme Court. You said so at Chicago; you said so in committee; every man of you in both Houses says so. What are you going to do? You say *we shall submit to your construction*. We shall do it, if you can make us; but not otherwise, or in any other manner. That is settled. You may call it secession, or you may call it revolution; but there is a big fact standing before you, ready to oppose you—that fact is, freemen with arms in their hands. The cry of the Union will not disperse them; we have passed that point; they demand equal rights; you had better heed the demand.

“You have no warrant in the Constitution for this declaration of outlawry. The court says you have no right to make it. The treaty says you shall not do it. The treaty of 1803 declares that the property of the people shall be protected by the Government until they are admitted into the Union as a State. That treaty covers Kansas and Nebraska. The law passed in 1804 or 1805, under Mr. Jefferson, protects property in slaves in the very territory. In 1820, when the question of prohibition came up, Mr. Madison declared it was not warranted by the Constitution, and Jefferson denounced its abettors as

enemies of the human race. Here is the court; here are our fathers; here is contemporaneous exposition for fifty years, all asserting our right. The Black Republican party say, 'We care not for your precedents or practices; we have progressive politics as well as a progressive religion. Behold Spooner! We care not for the fathers; we care not for the judges.' They have said more: their leaders on this floor have said they will get rid of the court as James II got rid of the honest judges when they decided against the dispensing power of the Crown. One set refused; he turned them out and put in another; they refused; he turned them out and got another. They mocked the Constitution and the laws, and decided for the Crown. What was the result? He became, and justly, a wanderer and an outcast, and his posterity were wanderers and outcasts, houseless and homeless. The heir of his race—the son of Mary of Modena, the last scion of a perfidious race—died a pensioner of Rome. Read, then, the record of this reckless king, and profit by his example. When you appoint judges to make decisions, you make a mockery of all justice, and of all decisions with freemen everywhere. Our ancestors told us how to treat such oppression in 1688. We have not forgotten the lesson.

"To come back from this digression, I will now read your proclamation of outlawry from the Chicago platform, to wit:

"That the normal condition of the territory of the United States is that of freedom; that as our republican fathers, when they had abolished slavery in our national territory, ordained that no person should be deprived of life, liberty, or property, without due process of law, it becomes our duty, by congress-

sional legislation, whenever such legislation becomes necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a Territorial Legislature, of any individual or association of individuals, to give legal existence to slavery in any Territory of the United States.'

"There you declare that the treaties made by Mr. Jefferson in 1803 are null, void, and no law; there you declare that the acts by which property in slaves was protected and allowed, both by territorial and congressional acts, in Florida, in Louisiana, in Arkansas, in Missouri, in Mississippi, and in Alabama, were all null, void, and no law. You declare that the decision of the Supreme Court is null, void, and no law; that there is no Constitution but the Chicago platform; yet you propose to come here and take possession of this Government, and swear to maintain the Constitution with this reading, and you are quite astonished at our having any objections to the peaceable proceeding—at least the Senator from Oregon [Mr. Baker] was, the other day. I suppose that orator has just come out of the woods. I do not know where he has kept himself, if he has never heard any more of this question than he told us. But no matter what may be our grievances, the honorable Senator from Kentucky [Mr. Crittenden] says we cannot secede. Well, what can we do? We cannot revolutionize; he will say that is treason. What can we do? Submit? They say they are the strongest, and they will hang us. Very well, I suppose we are to be thankful for that boon. We will take that risk. We will stand by the right; we will take the Constitution; we will defend it by the sword with the halter around our necks. Will that satisfy

the honorable Senator from Kentucky? You cannot intimidate my constituents by talking to them about treason. They are ready to fight for the right with the rope around their necks, and meet the Black Republicans and their allies upon whatever ground they may select. Treason; bah!

"The Black Republicans denounce Mr. Buchanan because he has construed the relation of master and slave, 'to involve an unqualified property in persons.' Mr. Lincoln approves their censure. So far as this denounces the language employed by the President, it is a simple denial of all property in slaves; but, with characteristic knavery, this party put enough of falsehood to misrepresent his real meaning. Upon the point referred to, the President has gone no farther than the Supreme Court; and his declaration may be safely left to judicial vindication.

"But I have promised to show that Lincoln has refused obedience to judicial interpretations of a constitutional question. In his speech of 10th July, 1856, he said:

"If I were in Congress, and a vote should come up on the question whether slavery should be prohibited in a new Territory, in spite of the Dred Scott decision, I would vote that it should."

"I omitted to remark in its proper place that not only Mr. Lincoln repudiates the propositions which I submitted to the committee of thirteen of the Senate, but they were all voted against by the five members representing the Black Republican party in the Senate of the United States upon the committee of thirteen, and I presumed they were not extreme men. Some of them, I had been led to believe, were

the moderate men who were among, and not of, the organization. But every principle which was proposed received the condemnation of every one of them. A resolution involving the same principles, introduced by a distinguished colleague of mine in the House of Representatives, was voted down, I believe, by a unanimous vote of all the members of that House belonging to the Republican party. The same lesson is taught by every declaration they make, even by the treacherous silence which has been maintained by their most extreme men on this floor and elsewhere, on these subjects, since the beginning of this session. Probably some of them thought it was best to be calm, supposing that perhaps the foot which was upon the neck of slavery was insecure. Possibly 'the jubilant Senator from the Northwest' [Mr. Doolittle] thought the domination might not be perpetual, and that it was well to bring the coils of power, of place, of armies, of navies, and of legality around us, in order to tighten our chains before we were alarmed. We understand this danger, and we will anticipate it. You will have to use your strength, not ours, to rivet our chains; spend your own money and your own blood, not ours, to consolidate your power.

"I have, then, established the proposition—it is admitted—that you seek to outlaw \$4,000,000,000 of property of our people in the Territories of the United States. Is not that a cause of war? Is it a grievance that \$4,000,000,000 of the property of the people should be outlawed in the Territories of the United States by the common Government? What, then, is our reliance? Your treachery to yourselves?

I will not accept that guarantee. I know you are treacherous to us, but I see no reason but justice why you should betray each other; and that will not avail you. I think, therefore, you will do what you say on that question; at least there can be no harm in my accepting your declarations as true. I believe that however hostile nations may be, they take the warlike declarations of the enemy as true and sufficient for their action. Then you have declared, Lincoln declares, your platform declares, your people declare, your Legislatures declare—there is one voice running through your entire phalanx—that we shall be outlawed in the Territories of the United States. I say we will not be; and we are willing to meet the issue; and rather than submit to such an outlawry, we will defend our territorial rights as we would our household gods.

“But, although I insist upon this perfect equality in the Territories, yet, when it was proposed, as I understand the Senator from Kentucky now proposes, that the line of  $36^{\circ} 30'$  shall be extended, acknowledging and protecting our property on the south side of that line, for the sake of peace—permanent peace—I said to the committee of thirteen and I say here, that, with other satisfactory provisions, I would accept it. If that or some other satisfactory arrangement is not made, I am for immediate action. We are as ready to fight now as we ever shall be. I am willing, however, to take the proposition of the Senator as it was understood in committee, putting the North and the South on the same ground, prohibiting slavery on one side, acknowledging slavery and protecting it on the other,



and applying that to all future acquisition, so that the whole continent to the north pole shall be settled upon the one rule, and to the south pole under the other. I will not buy a shameful peace. I will have equality or war. Georgia is on the war-path, and demands a full and final settlement this time.

“Yet, not only did your committee refuse that, but my distinguished friend from Mississippi [Mr. Davis], another moderate gentleman like myself—proposed simply to get a recognition that we had the right to our own; that man could have property in man; and it met with the unanimous refusal even of the most moderate, Union-saving, compromising portion of the Republican party. They do not intend to acknowledge it. How could they? Mr. Lincoln says that, according to the Declaration of Independence, all men are born free and equal. You do not want any fugitive slave law; all you want is a *habeas corpus*; with this you can set them free in Georgia. According to this notion Spooner is right in contending that the Federal Constitution authorizes the abolition of slavery. Mr. Lincoln thus accepts every cardinal principle of the Abolitionists; yet he ignorantly puts his authority for abolition upon the Declaration of Independence, which was never made any part of the public law of the United States. It is well known that these ‘glittering generalities’ were never adopted into the Constitution of the United States.

“And what a spectacle does Mr. Lincoln present of the fathers of the Republic by his absurd theory? There sat the representatives of thirteen slaveholding Colonies, declaring that all men were free and



equal, and endowed by the Creator with the same rights. You say they meant their slaves. Every State then held slaves, and most of the gentlemen who were around that board themselves held them. Did those fathers, who pledged to God and to mankind their lives, their fortunes, and their sacred honors, mean to cheat the human race? Did they falsely and fraudulently utter that sentiment, and still hold on to their slaves as long as they lived? That is the way you construe it. Washington, during all his lifetime, held hundreds of slaves. He kept them as long as he lived, and left them to his wife, with the provision, that after her death, they should be free—a very common custom with gentlemen in our country who have no immediate descendants, and from attachment to their slaves are reluctant to let them pass even into the hands of collateral relatives. So strong was that sentiment, that my State was compelled to pass a law to prohibit emancipation, or by this time a large portion of the slaves might have been free under the operation of that sentiment. Jefferson held slaves all his lifetime, and left them to his heirs. Madison held them, and they went to his heirs. And these men are now quoted as meaning to include their own slaves in the Declaration of Independence: and seem, in Republican argument, base enough to hold on to ‘the sum of all villainies,’ to rob freemen of their wages, and plunder them to the day of their death. With your doctrines, you have the audacity to pretend to think well of such men. Shall we give you credit for sincerity?

“Yes, Mr. Lincoln says it is a fundamental principle that all men are entitled to equality in Govern-

ment everywhere. That idea seems to be a hobby of his. Very well; you not only want to break down our constitutional rights; you not only want to upturn our social system; your people not only steal our slaves and make them freemen to vote against us; but you seek to bring an inferior race in a condition of equality, socially and politically, with our own people. Well, sir, the question of slavery moves not the people of Georgia one half as much as the fact that you insult their rights as a community. You Abolitionists are right when you say that there are thousands and tens of thousands of men in Georgia, and all over the South, who do not own slaves. A very large portion of the people of Georgia own none of them. In the mountains, there are comparatively but few of them; but no part of our people are more loyal to their race and country than our bold and brave mountain population: and every flash of the electric wires brings me cheering news from our mountain tops and our valleys, that these sons of Georgia are excelled by none of their countrymen in loyalty to the rights, the honor, and the glory of the Commonwealth. They say, and well say: This is our question; we want no negro equality, no negro citizenship; we want no mongrel race to degrade our own; and as one man they would meet you upon the border with the sword in one hand and the torch in the other. They would drive you from our borders, and make you walk over the blighted ruins of their fair land. We will tell you when we choose to abolish this thing; it must be done under our direction and according to our will; our own, our native land shall determine this

question and not the Abolitionists of the North. That is the spirit of our freemen; beware of them.

"It was in this spirit of intermeddling and mischief that sixty-eight members of your party in the other House, and at least one member of the Senate, signed a recommendation to circulate as a campaign document an infamous publication to excite these very non-slaveholders of the South to insurrection against their fellow-citizens. I allude to the *Helper* book. This Republican party sometimes say 'We are not an abolition party.' Take away their Abolitionists, and they are nobody. They would be beaten in New England. All Abolitionists are Republicans, whether all Republicans are Abolitionists or not. We understand that. There may be perhaps an exception to abolition unanimity, and that is in regard to one class, an honest class—composed of the New England or Boston anti-slavery society, headed by Garrison. Garrison looks at it squarely and honestly. He says to these very Abolitionists of the other sort, the political Abolitionists, 'Your Government is a pro-slavery Government; you take oaths and you violate them; we will not take these oaths, because we will not break them.' That is the difference between you and them. One of the most able, and eloquent, and well written *exposés* of the position of the Garrison Abolitionists that I have seen anywhere is to be found in a late annual report of the Massachusetts anti-slavery society; and they say that 'the Constitution is a pro-slavery instrument which does recognize slavery, and you perjure yourselves when you take oaths to support it, and break them. We cannot vote, we cannot take

office, because we will not take oaths to break them; we cannot vote for you, because we will not vote for men who will take oaths and break them.' That is an authoritative exposition from this class of Abolitionists. So it seems that the Abolitionists with whom we have to deal are so base that the honest Abolitionists themselves will not trust them.

"I have already adverted to the proposition in regard to giving up criminals who are charged with stealing negroes, and I have referred to the cases of Maine, New York, and Ohio. I come now to the last specification—the requirement that laws should be passed punishing all who aid and abet insurrection. These are offenses recognized by the laws of nations as inimical to all society; and I will read the opinions of an eminent publicist when I get to that point. I said that you had aided and abetted insurrection. John Brown certainly invaded Virginia. John Brown's sympathizers, I presume, are not Democrats. Two of the accomplices of John Brown fled—one to Ohio, one to Iowa. The Governors of both States refused to give up the fugitives from justice. The party maintained them. I am aware that, in both cases, pretexts were gotten up, to cover the shame of the transaction. I am going to show you that their pretexts were hollow, unsubstantial, not only against constitutional law, but against the law of nations. I will show you that it was their duty to seize them under the law of nations, and bring them to their Confederate States, or even to a friendly State. The first authority I will read is Vattel on the law of nations. If there had been any well-founded ground, if the papers

had been defective, if the case had been defectively stated, what was the general duty of a friendly State without any constitutional obligation? This general principle is, that one State is bound to restrain its citizens from doing anything tending to create disturbance in another State, to foment disorder, to corrupt its citizens, or to alienate its allies. Vattel says, page 162:

“And since the latter [the sovereign] ought not to suffer his subjects to molest the subjects of other States, or to do them an injury, much less to give open, audacious offense to foreign Powers, he ought to compel the transgressor to make reparation for the damage or injury, if possible, or to inflict on him an exemplary punishment; or, finally, according to the nature and circumstances of the case, to deliver him up to the offended State, to be there brought to justice. This is pretty generally observed with respect to great crimes, which are equally contrary to the laws and safety of all nations. Assassins, incendiaries, and robbers, are seized everywhere, at the desire of the sovereign in whose territories the crime was committed, and are delivered up to his justice. The matter is carried still farther in States that are more closely connected by friendship and good neighborhood. Even in cases of ordinary transgressions, which are only subjects of civil prosecution, either with a view to the recovery of damages, or the infliction of a slight civil punishment, the subjects of two neighboring States are reciprocally obliged to appear before the magistrate of the place where they are accused of having failed in their duty. Upon a requisition of that magistrate, called letters rogatory, they are summoned in due form by their own magistrates, and obliged to appear. An admirable institution, by means of which many neighboring States live together in peace, and seem to form only one republic! This is in force through all Switzerland. As soon as the letters rogatory are issued in form, the superior of the accused is bound to enforce them. It belongs not to him to examine whether the accusation be true or false; he is to presume on the justice of his neighbors, and not to suffer any doubts on his own part to impair an institution so well calculated to preserve harmony and good understanding between the States.’

“That is the law of nations, as declared by one

of its ablest expounders; but, besides, we have this principle embodied in the Constitution; we have there the obligation to deliver up fugitives from justice; and, though it is in the Constitution, though it is sanctioned, as I said, by all ages and all centuries, by the wise and the good, everywhere, our Confederate States are seeking false pretexts to evade a plain social duty, in which are involved the peace and security of all civil society. If we had no Constitution, this obligation would devolve upon friendly States. If there were no Constitution, we ought to demand it. But instead of giving us this protection, we are met with reproaches, reviling, tricks, and treachery, to conceal and protect incendiaries and murderers.

“This man Brown and his accomplices had sympathizers. Who were they? One of them, as I have before said, who was, according to his public speeches, a defender and a laudator of John Brown—is Governor of Massachusetts. Other officials of that State applauded Brown’s heroism, magnified his courage, and, no doubt, lamented his ill success. Throughout the whole North, public meetings, immense gatherings, triumphal processions, the honors of the hero and the conqueror, were awarded to this incendiary and assassin. They did not condemn the traitor; think you they abhorred the treason?

“Yet, I repeat, when a distinguished Senator from a non-slaveholding State [Mr. Douglas] proposed to punish such attempts at invasion and insurrection, Lincoln and his party come before the world and say, ‘Here is a sedition law.’ To carry out the Constitution, to protect States from invasion and sup-



press insurrection, to comply with the laws of the United States, is a 'sedition law,' and the chief of this party treats it with contempt; yet, under the very same clause of the Constitution which warranted this important bill, you derive your power to punish offenses against the laws of nations. Under this warrant you have tried and punished our citizens for meditating the invasion of foreign States. You have stopped illegal expeditions. You have denounced our citizens as pirates, and commended them to the bloody vengeance of a merciless enemy.

"Under this principle alone you protect our weaker neighbors of Cuba, Honduras, and Nicaragua. By this alone are we empowered and bound to prevent our people from conspiring together, giving aid, giving money, or arms, to fit out expeditions against any foreign nation. Foreign nations get the benefit of this protection; but we are worse off in the Union than if we were out of it. Out of it, we should have the protection of the neutrality laws. Now you can come among us; raids may be made; you may put the incendiary's torch to our dwellings, as you did last summer for hundreds of miles on the frontiers of Texas; you may do what John Brown did, and when the miscreants escape to your States, you will not punish them; you will not deliver them up. Therefore we stand defenseless. We must cut loose from the accursed 'body of this death,' even to get the benefit of the law of nations. Hence we are armed, and hence we will stay so, until our rights are respected, and justice is done. We must take up arms to get the rights that the laws of nations give us.



"Mr. Lincoln's speech, to which I referred as some indication of the jeers and the gibes of this 'conservative gentleman,' charges us with a multitude of imaginary offenses:

"This is a natural and apparently adequate means; but what will convince them?"—

"That he does not intend to hurt us.

"This, and this only: Cease to call slaveholding wrong, and join them in calling it right; and this must be done thoroughly; done in acts as well as words. Silence will not be tolerated. We must place ourselves avowedly with them. Douglas's new sedition law must be enacted and enforced."

"I say so too. I say I will not stay in the Union that gives me less rights than it gives to a foreign nation. I will meet you on this issue. I will have these rights in the Union, or I will not stay in it.

"Douglas's new sedition laws must be enacted and enforced"—

"It must be before I will make peace.

—"suppressing all declarations of hostility to slavery, whether made in politics, in presses, in pulpits, or in private."

"That is a very adroit way to state the case. We have never sought to interfere with your discussion of any questions in your own country. The standing laws of my own State only punish the words and acts that are intended to incite insurrection among any class of people. But you write, and speak, and form societies, and claim the right to become a nest of incendiaries, in order to assail your neighbors; and you say you have the right to do it under the liberty of speech guaranteed by the

Constitution. I will not interfere with your rights, but you must so use them as not to injure us.

"You will not regard Confederate obligations; you will not regard constitutional obligations; you will not regard your oaths. What, then, am I to do? Am I a freeman? Is my State, a free State, to lie down and submit because political fossils raise the cry of the glorious Union? Too long already have we listened to this delusive song. We are freemen. We have rights; I have stated them. We have wrongs; I have recounted them. I have demonstrated that the party now coming into power has declared us outlaws, and is determined to exclude four thousand million of our property from the common Territories; that it has declared us under the ban of the Empire, and out of the protection of the laws of the United States everywhere. They have refused to protect us from invasion and insurrection by the Federal Power, and the Constitution denies to us in the Union the right either to raise fleets or armies for our own defense. All these charges I have proven by the record; and I put them before the civilized world, and demand the judgment of to-day, of to-morrow, of distant ages, and of Heaven itself, upon the justice of these causes. I am content, whatever it be, to peril all in so noble, so holy a cause. We have appealed, time and time again, for these constitutional rights. You have refused them. We appeal again. Restore us these rights as we had them, as your court adjudges them to be, just as all our people have said they are; redress these flagrant wrongs, seen of all men, and it will restore fraternity, and peace, and unity, to all of

us. Refuse them, and what then? We shall then ask you, 'let us depart in peace.' Refuse that, and you present us war. We accept it; and inscribing upon our banners the glorious words, 'liberty and equality,' we will trust to the blood of the brave and the God of battles for security and tranquillity."

FAREWELL SPEECH OF SENATOR JEFFERSON DAVIS,  
U. S. SENATOR FROM MISSISSIPPI, ON THE OC-  
CASION OF HIS WITHDRAWAL FROM THE U. S.  
SENATE, JANUARY 21, 1861

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Mr. DAVIS. "I rise, Mr. President, for the purpose of announcing to the Senate that I have satisfactory evidence that the State of Mississippi, by a solemn ordinance of her people in convention assembled, has declared her separation from the United States. Under these circumstances, of course my functions are terminated here. It has seemed to me proper, however, that I should appear in the Senate to announce that fact to my associates, and I will say but very little more. The occasion does not invite me to go into argument; and my physical condition would not permit me to do so if it were otherwise; and yet it seems to become me to say something on the part of the State I here represent, on an occasion so solemn as this.

"It is known to Senators who have served with me here, that I have for many years advocated, as an essential attribute of State sovereignty, the right of a State to secede from the Union. Therefore, if I had not believed there was justifiable cause; if I had thought that Mississippi was acting without

sufficient provocation, or without an existing necessity, I should still, under my theory of the Government, because of my allegiance to the State of which I am a citizen, have been bound by her action. I, however, may be permitted to say that I do think she has justifiable cause, and I approve of her act. I conferred with her people before that act was taken, counseled them then that if the state of things which they apprehended should exist when the convention met, they should take the action which they have now adopted.

"I hope none who hear me will confound this expression of mine with the advocacy of the right of a State to remain in the Union, and to disregard its constitutional obligations by the nullification of the law. Such is not my theory. Nullification and secession, so often confounded, are indeed antagonistic principles. Nullification is a remedy which it is sought to apply within the Union, and against the agent of the States. It is only to be justified when the agent has violated his constitutional obligation, and a State, assuming to judge for itself, denies the right of the agent thus to act, and appeals to the other States of the Union for a decision; but when the States themselves, and when the people of the States, have so acted as to convince us that they will not regard our constitutional rights, then, and then for the first time, arises the doctrine of secession in its practical application.

"A great man who now reposes with his fathers, and who has been often arraigned for a want of fealty to the Union, advocated the doctrine of nullification, because it preserved the Union. It was be-

cause of his deep-seated attachment to the Union, his determination to find some remedy for existing ills short of a severance of the ties which bound South Carolina to the other States, that Mr. Calhoun advocated the doctrine of nullification, which he proclaimed to be peaceful, to be within the limits of State power, not to disturb the Union, but only to be a means of bringing the agent before the tribunal of the States for their judgment.

"Secession belongs to a different class of remedies. It is to be justified upon the basis that the States are sovereign. There was a time when none denied it. I hope the time may come again, when a better comprehension of the theory of our Government, and the inalienable rights of the people of the States, will prevent any one from denying that each State is a sovereign, and thus may reclaim the grants which it has made to any agent whomsoever.

"I therefore say I concur in the action of the people of Mississippi, believing it to be necessary and proper, and should have been bound by their action if my belief had been otherwise; and this brings me to the important point which I wish on this last occasion to present to the Senate. It is by this confounding of nullification and secession that the name of a great man, whose ashes now mingle with his mother earth, has been invoked to justify coercion against a seceded State. The phrase 'to execute the laws,' was an expression which General Jackson applied to the case of a State refusing to obey the laws while yet a member of the Union. This is not the case which is now presented. The laws are to be executed over the United States, and upon the people

of the United States. They have no relation to any foreign country. It is a perversion of terms, at least it is a great misapprehension of the case, which cites that expression for application to a State which has withdrawn from the Union. You may make war on a foreign State. If it be the purpose of gentlemen, they may make war against a State which has withdrawn from the Union; but there are no laws of the United States to be executed within the limits of a seceded State. A State finding herself in the condition in which Mississippi has judged she is, in which her safety requires that she should provide for the maintenance of her rights out of the Union, surrenders all the benefits (and they are known to be many), deprives herself of the advantages (they are known to be great), severs all the ties of affection (and they are close and enduring) which have bound her to the Union; and thus divesting herself of every benefit, taking upon herself every burden, she claims to be exempt from any power to execute the laws of the United States within her limits.

"I well remember an occasion when Massachusetts was arraigned before the bar of the Senate, and when then the doctrine of coercion was rife and to be applied against her because of the rescue of a fugitive slave in Boston. My opinion then was the same that it is now. Not in a spirit of egotism, but to show that I am not influenced in my opinion because the case is my own, I refer to that time and that occasion as containing the opinion which I then entertained, and on which my present conduct is based. I then said, if Massachusetts, following her through a stated line of conduct, chooses to take the



last step which separates her from the Union, it is her right to go, and I will neither vote one dollar nor one man to coerce her back; but will say to her, God speed, in memory of the kind associations which once existed between her and the other States.

“It has been a conviction of pressing necessity, it has been a belief that we are to be deprived in the Union of the rights which our fathers bequeathed to us, which has brought Mississippi into her present decision. She has heard proclaimed the theory that all men are created free and equal, and this made the basis of an attack upon her social institutions; and the sacred Declaration of Independence has been invoked to maintain the position of the equality of the races. That Declaration of Independence is to be construed by the circumstances and purposes for which it was made. The communities were declaring their independence; the people of those communities were asserting that no man was born—to use the language of Mr. Jefferson—booted and spurred to ride over the rest of mankind; that men were created equal—meaning the men of the political community; that there was no divine right to rule; that no man inherited the right to govern; that there were no classes by which power and place descended to families, but that all stations were equally within the grasp of each member of the body-politic. These were the great principles they announced; these were the purposes for which they made their declaration; these were the ends to which their enunciation was directed. They have no reference

to the slave; else, how happened it that among the items of arraignment made against George III was that he endeavored to do just what the North has been endeavoring of late to do—to stir up insurrection among our slaves? Had the Declaration announced that the negroes were free and equal, how was the Prince to be arraigned for stirring up insurrection among them? And how was this to be enumerated among the high crimes which caused the Colonies to sever their connection with the Mother Country? When our Constitution was formed, the same idea was rendered more palpable, for there we find provision made for that very class of persons as property; they were not put upon the footing of equality with white men—not even upon that of paupers and convicts; but, so far as representation was concerned, were discriminated against as a lower caste, only to be represented in the numerical proportion of three-fifths.

“Then, Senators, we recur to the compact which binds us together; we recur to the principles upon which our Government was founded; and when you deny them, and when you deny to us the right to withdraw from a Government which thus perverted threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence, and take the hazard. This is done not in hostility to others, not to injure any section of the country, not even for our own pecuniary benefit; but from the high and solemn motive of defending and protecting the rights we inherited, and which it is our sacred duty to transmit unshorn to our children.

"I find in myself, perhaps, a type of the general feeling of my constituents towards yours. I am sure I feel no hostility to you, Senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, I wish you well; and such, I am sure, is the feeling of the people whom I represent towards those whom you represent. I therefore feel that I but express their desire when I say I hope, and they hope, for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past, if you so will it. The reverse may bring disaster on every portion of the country; and if you will have it thus, we will invoke the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear; and thus, putting our trust in God, and in our own firm hearts and strong arms, we will vindicate the right as best we may.

"In the course of my service here, associated at different times with a great variety of Senators, I see now around me some with whom I have served long; there have been points of collision; but whatever of offense there has been to me, I leave here; I carry with me no hostile remembrance. Whatever offense I have given which has not been redressed, or for which satisfaction has not been demanded, I have, Senators, in this hour of our parting, to offer you my apology for any pain which, in heat of discussion, I have inflicted. I go hence unencumbered of the remembrance of any injury received, and hav-

ing discharged the duty of making the only reparation in my power for any injury offered.

“Mr. President, and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu.”

FAREWELL SPEECHES OF SENATORS YULEE AND  
MALLORY, U. S. SENATORS FROM FLORIDA, ON  
THE OCCASION OF THEIR WITHDRAWAL FROM  
THE U. S. SENATE, JANUARY 22d, 1861

WITHDRAWAL OF SENATORS

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Mr. YULEE. "Mr. President, if it is agreeable to the Senate—if there is no order pressing before the Senate—"

The VICE-PRESIDENT. "There is a motion now pending to take up a certain message of the President."

Mr. YULEE. "I was about to state that I was desirous during the morning hour (though if it be preferred by the Senate I can take some other time) to make an announcement to the Senate of a purpose which my colleague and myself entertain, and which I think might be appropriately made during the morning hour. We shall, however, of course, submit ourselves to the pleasure of the Senate."

The VICE-PRESIDENT. "Does the Senator ask unanimous consent to make his remarks?"

Mr. KING. "To do what?"

Mr. COLLAMER. "We do not understand what the purpose is. Perhaps I did not hear."

Mr. WADE. "We did not hear what the Senator from Florida did say."

Mr. YULEE. "We desire to make a communication to the Senate, which we suppose to be of a privileged nature, and having reference to our connection with this body."

Mr. BAKER and others. "Certainly."

Mr. COLLAMER. "I understand this is a personal matter to the gentlemen that they wish to be heard about."

The VICE-PRESIDENT. "Does the Senator from Florida ask unanimous consent? The Chair hears no objection."

Mr. YULEE. "Mr. President, I rise to make known to the Senate that in consequence of certain proceedings which have lately taken place in the State of Florida, my colleague and myself are of the opinion that our connection with this body is legally terminated.

"The State of Florida has, through a convention of her people duly assembled, decided to recall the powers delegated to this Government, and to assume the full exercise of all her sovereign rights as an independent and separate community.

"I am sure I truly represent her when I say that her people have not been insensible to the many blessings they have enjoyed under the Constitution of the United States, nor to the proper advantages of a Union directed to the great purposes of 'establishing justice, insuring domestic tranquillity, promoting the general welfare, and securing the blessings of liberty to themselves and their posterity.' They have held in patriotic reverence the memories

that belong to the Union of American States in its origin and progress, and have clung with a fond assurance to the hope that its wise plan, and the just principles upon which it was based, would secure for it a perpetual endurance and transcendent usefulness.

"They have decided that their social tranquillity and civil security are jeopardized by a longer continuance in the Union, not from the contemplated or necessary operation of the Constitution, but from the consequences, as they conceive, of an unjust exercise of the powers it conferred, and a persistent disregard of the spirit of fraternity and equality in which it was founded. Recent events have impressed them with the belief that the peace of their homes and the preservation of their community interests can only be secured by an immediate withdrawal from the dangers of a perverted and hostile employment of the powers of the Federal Government. They are not willing to disturb the peace of their associates by an inflamed and protracted struggle within the Union, for rights they could never, with self-respect or safety, surrender, and against a policy of administration which, although sanctioned and authorized by the late decision of a majority of the States, they regard to be hostile to their best interests, and violative of the legitimate duty and trusts of the Government. They have preferred to abandon all the hopes they rested upon the common growth and common power of the Union, and to assume the serious responsibilities of a separate existence and new and untried relations. It is only under a deep sense of duty to themselves



and their posterity that so important a step has been taken. I am sure that the people of Florida will ever preserve a grateful memory of their past connection with this Government, and a just pride in the continued development of American society. They will also remember that although, to their regret, a majority of the people in the States of the northern section of the Union have seen their duty to lie in a path fatal to the safety of Southern society, they have had the sympathies of a large array of noble spirits in all those States, whose sense of justice, and whose brave efforts to uphold the right, have been not the less appreciated, nor will be the less remembered, because unsuccessful.

"We have not been wanting in timely warning to our associates of the unhappy tendency of their policy. It was in the unhallowed pursuit, as we thought, of sectional aggrandizement, and the indulgence of unregulated sentiments of moral duty, that the equilibrium of power between the sections, which had been maintained until then, was ruthlessly and unwisely destroyed by the legislation of 1850. The injustice and danger of those proceedings was considered by a large portion of the South to be so flagrant, that we resorted to an unusual formality in bringing our views and apprehensions to the attention of the country. Upon our official responsibility, a number of the Senators, those of Florida among them, giving expression to the opinions of their constituents, presented a written protest against the wrong to which our section was subjected, and a fraternal warning against the dangerous tendency of the policy which incited to that wrong. That

protest was refused a place in the Journals of this body, contrary, as we thought, to the express duty enjoined by the Constitution; but it went before the public, and I think it proper to recall the attention of this body to its contents, in the hour when the apprehensions it expressed are fatally realized.\*

\* The following is the protest referred to in Mr. Yulee's remarks, and which was presented in the Senate by Mr. Hunter on the 14th of August, 1850, with a motion for leave to have it spread upon the Journal of the Senate:

"We, the undersigned Senators, deeply impressed with the importance of the occasion, and with a solemn sense of the responsibility under which we are acting, respectfully submit the following protest against the bill admitting California as a State into this Union, and request that it may be entered upon the Journal of the Senate. We feel that it is not enough to have resisted in debate alone a bill so fraught with mischief to the Union and the States which we represent, with all the resources of argument which we possessed, but that it is also due to ourselves, the people whose interests have been intrusted to our care, and to posterity, which, even in its most distant generations, may feel its consequences, to leave, in whatever form may be most solemn and enduring, a memorial of the opposition which we have made to this measure, and of the reasons by which we have been governed. Upon the pages of a Journal which the Constitution requires to be kept so long as the Senate may have an existence, we desire to place the reasons upon which we are willing to be judged by generations living and yet to come, for our opposition to a bill whose consequences may be so durable and portentous as to make it an object of deep interest to all who may come after us.

"We have dissented from this bill because it gives the sanction of law, and thus imparts validity of the unauthorized action of a portion of the inhabitants of California, by which an odious discrimination is made against the property of the fifteen slaveholding States of the Union, who are thus deprived of that position of equality which the Constitution so manifestly designs, and which constitutes the only sure and stable foundation upon which this Union can repose.

"Because the right of the slaveholding States to a common and equal enjoyment of the territory of the Union has been defeated by a system of measures which, without the authority of precedent, of law, or of the Constitution, were manifestly contrived for that purpose, and which Congress must sanction and adopt, should this bill become a law. In sanctioning this system of measures, this Government will admit that the inhabitants of its Territories, whether permanent or transient, and whether lawfully or unlawfully occupying the same, may form a State without the previous authority of law; without even the partial security of a territorial organization formed by Congress; without any legal census or other sufficient evidence of their possessing the number of citizens necessary to authorize the representation which they may claim, and without any of those safeguards about the ballot-box which can only be provided by law, and which are necessary to ascertain the true sense of a people. It will admit, too, that Congress, having refused to provide a government except upon the condition of excluding slavery by law, the executive branch of this Government may, at its own discretion, invite such inhabitants to meet in convention

"Let me be pardoned, Mr. President, for detaining the Senate with a further remark. The circumstance that the State of Florida was formed upon territory acquired by the United States, and the paucity of her numbers, has been occasionally remarked upon. Owing to causes she could not control, her settlement has been, until recently, comparatively slow. But her population exceeds that of seven of the sixteen States that composed the Union when the census of 1790 was taken under the new Constitution; and six of the thirteen original States had fewer numbers when they formed the Constitution. Rights of sovereignty and liberty depend not upon numbers.

under such rules as it or its agents may prescribe, and to form a constitution affecting not only their own rights, but those also of fifteen States of the Confederacy, by including territory, with the purpose of excluding those States from its enjoyment, and without regard to the natural fitness of boundary, or any of the considerations which should properly determine the limits of a State. It will also admit that the convention thus called into existence by the Executive may be paid by him out of the funds of the United States without the sanction of Congress, in violation not only of the plain provisions of the Constitution, but of those principles of obvious propriety which would forbid any act calculated to make that convention dependent upon it; and last, but not least, in the series of measures which this Government must adopt, and sanction in passing this bill, is the release of the authority of the United States by the Executive alone to a Government thus formed, and not presenting even sufficient evidence of its having the assent of a majority of the people for whom it was designed. With a view of all these considerations, the undersigned are constrained to believe that this Government could never be brought to admit a State presenting itself under such circumstances, if it were not for the purpose of excluding the people of the slaveholding States from all opportunity of settling with their property in that Territory.

"Because, to vote for a bill passed under such circumstances, would be to agree to a principle which may exclude forever hereafter, as it does now, the States which we represent, from all enjoyment of the common territory of the Union—a principle which destroys the equal rights of their constituents, the equality of their States in the Confederacy, the equal dignity of those whom they represent as men and as citizens in the eye of the law, and their equal title to the protection of the Government and the Constitution.

"Because the admission of California as a State into the Union without any previous reservation assented to by her of the public domain, might involve an actual surrender of that domain to, or at all events places its future disposal at the mercy of, that State, as no reservation in the bill can be binding upon her until she assents to it,

"It is quite true that her limits comprehend a part of the territory to which the title was acquired by the United States from Spain. But it is also true that a part of the consideration for the cession was a reservation to the inhabitants of the right to admission into the Federal Union upon terms of equality; and it was in view of this right that most of the inhabitants remained there. If their number has been increased by subsequent immigration, it was mostly of citizens from others of the United States, who were lineal inheritors of the glories and fruits of the American Revolution.

and as her dissent 'hereafter' would in no manner affect or impair the act of her admission.

"Because all the propositions have been rejected which have been made to obtain either a recognition of the right of the slaveholding States to a common enjoyment of all the territory of the United States, or to a fair division of that Territory between the slaveholding and non-slaveholding States of the Union; every effort having failed which has been made to obtain a fair division of the Territory proposed to be brought in as the State of California.

"But lastly, we dissent from this bill, and solemnly protest against its passage, because, in sanctioning measures so contrary to former precedent, to obvious policy, to the spirit and intent of the Constitution of the United States, for the purpose of excluding the slaveholding States from the Territory thus to be erected into a State, this Government in effect declares that the exclusion of slavery from the territory of the United States is an object so high and important as to justify a disregard, not only of all the principles of sound policy, but also of the Constitution itself. Against this conclusion we must now and forever protest, as it is destructive of the safety and liberties of those whose rights have been committed to our care, fatal to the peace and equality of the States which we represent, and must lead, if persisted in, to the dissolution of that Confederacy in which the slaveholding States have never sought more than equality, and in which they will not be content to remain with less.

"J. M. MASON,	}	<i>Virginia.</i>
R. M. T. HUNTER,		
A. P. BUTLER,	}	<i>South Carolina.</i>
R. B. BARNWELL,		
H. L. TURNEY,		<i>Tennessee.</i>
PIERRE SOULE,		<i>Louisiana.</i>
JEFF'N DAVIS,		<i>Mississippi.</i>
DAVID R. ATCHISON,		<i>Missouri.</i>
JACKSON MORTON,	}	<i>Florida.</i>
D. L. YULEE,		

"SENATE CHAMBER, August 13, 1850."

"In pursuance of this stipulation, and of the established policy of the country, they were admitted into the Union; and, in the act of admission, Florida was expressly recognized and 'declared to be a State,' and 'admitted into the Union on an equal footing with the original States in all respects whatever.'

"In the exercise of her equal right in the Union, and moved by a common sympathy with the people of the section of which her territory forms the extreme southern part, and with whose fate her destiny is indissolubly bound, Florida has resolved to withdraw from the present Union. Her course derives sanction from the important fact that she is preceded in it by the chivalrous State which, by a spirited act in 1765, became, by acknowledgment of a Massachusetts historian, 'The founder of the Union.' And her resolution is rendered more fixed by the development, since her movement began, of a general tendency in the public mind of the majority section to a theory of the Constitution, and to principles of construction, which must convert this Government into an unlimited despotism. She sees fast rising above all others the great issue of the right of the people of the States to sovereignty and self-government within their respective territorial boundaries; and in such an issue she is prepared to devote the lives and fortunes of all her people.

"Although the present means of Florida are acknowledged to be limited, yet, having once assumed the rank of a State, she assumed with its rights its duties also, and its responsibilities to her people and their posterity. These she must fulfill, according

to her best judgment, with all the more jealousy of control because weak, but with none the less claim on that account to the respect of all true men.

"Acknowledging, Mr. President, with grateful emotions, my obligations for the many courtesies I have enjoyed in my intercourse with the gentlemen of this body, and with most cordial good wishes for their personal welfare, I retire from their midst in willing loyalty to the mandate of my State, and with full approval of her act."

Mr. MALLORY. "Concurring, as I do, with all that my colleague has said, I ask but a brief moment to add a word or two further.

"In retiring from this body, I cannot but feel, and I will not forbear the expression of, profound regret that existing causes imperatively impel us to this separation. When reason and justice shall have asserted ascendancy over party and passion, they will be justly appreciated; and this Southern movement, demanded by considerations dear to free-men in every age, will stand proudly vindicated.

"Throughout her long and patient endurance of insult and wrong, the South has clung to the Union with unfaltering fidelity; a fidelity which, while nourishing irritation in the hearts of her own sons, has but served to nerve the arms of her adversaries.

"Florida came into the Union fifteen years ago, upon an equality with the original States, and their rights in the Confederacy are equally her rights. She could not, if she would, separate her action from her Southern sisters; and, demanded as her action is, by those considerations which a free people can never ignore, she would not if she could. From



the Union, governed by the Constitution as our fathers made it, there breathes not a secessionist upon her soil; but a deep sense of injustice, inequality, and insecurity, produced by the causes to which I have adverted, is brought home to the reason and patriotism of her people; and to secure and maintain those rights which the Constitution no longer accords them, they have placed the State of Florida out of the Confederacy.

"In thus turning from the Union to the veiled and unknown future, we are neither ignorant nor reckless of the lions in our path. We know that the prompt and peaceful organization of a practical republican government, securing liberty, equality, and justice to every citizen, is one of the most difficult, as it is one of the most momentous duties devolving upon men; and nowhere perhaps upon the earth, beyond our own country, could this great work be achieved. But so well are human rights and national liberty understood by our people; so deeply are they imbued with the spirit of freedom and knowledge of Government, that were this Republic utterly broken and destroyed, like the shattered vase of the poet, to whose very fragments the scent of the roses still clung, its very ruins breathing the true spirit of civil and religious liberty, would plead for and demand a wise and noble reconstruction.

"Whatever may be the immediate results, therefore, of the momentous crisis now upon us, I have no fears for the freedom of my countrymen. Nor do I admit for a moment that the great American experiment of Government has proved or can prove



a failure; but I maintain, on the contrary, that passing events should inspire in the hearts of the patriot and statesman, not only hope, but confidence. Five States have already dissolved their connection with the Union; and throughout the several stages by which their people, in their sovereign capacity, have reached secession, they have exhibited a calmness and deliberation which find no parallel in the history of mankind. This is entirely the result of our admirable system of independent State Governments. And, sir, were this Federal District, with Presidents, Congress, Departments, and courts, and all the machinery of Federal Government, suddenly sunk a thousand fathoms deep, under the admirable working of these State Governments the rights and liberties of their people would receive no shock or detriment.

"In thus severing our connection with sister States, we desire to go in peace, to maintain towards them an attitude not only of peace, but, if possible, of kindness; and it is for them to determine whether we shall do so or not; and whether commerce, the great pacificator of earth, is to connect us as producers, manufacturers, and consumers, in future friendly relations. If folly, wickedness, or pride, shall preclude the hope of peace, they may at once rear up difficulties in our path, leading at once to what I confess I regard and dread as one of the greatest calamities that can befall a nation—civil war; a civil war embracing equally North and South. But, sir, be our difficulties what they may, we stand forth a united people to grapple with and to conquer them. Our willingness to shed our blood

in this cause is the highest proof we can offer of the sincerity of our convictions; and I warn, nay, I implore you, not to repeat the fatal folly of the Bourbons, and mistake a nation for a faction; for the people of the South, as one man, declare that, sink or swim, live or die, they will not, as freemen, submit to the degradation of a constrained existence under a violated Constitution. But, sir, we desire to part from you in peace. From the establishment of the Anglo-Saxons upon this continent to this hour, they have never, as Colonies or States, shed the blood of each other; and I trust we shall be spared this great calamity. We seek not to war upon, or to conquer you; and we know that you cannot conquer us. Imbrue your hands in our blood, and the rains of a century will not wash from them the stain, while coming generations will weep for your wickedness and folly.

“In thus leaving the Senate, and returning to my own State, to pursue with unfaltering head and heart that path, be it gloomy or bright, to which her honor and interest may lead, I cannot forbear the acknowledgment of the kindness and courtesy which I have ever received from many of the gentlemen of the Opposition; Senators to whom I am indebted for much that I shall cherish through life with pleasure, and toward whom I entertain none but sentiments of kindness and respect. And I trust, sirs, that when we next confront each other, whether at this bar or that of the just God, who knows the hearts of all, our lips shall not have uttered a word, our hands shall not have committed an act, directed against the blood of our people.

“On this side of the Chamber, we leave, with profound regret, those whom we will cherish in our hearts, and whose names will be hallowed by our children. One by one, we have seen the representatives of the true and fearless friends of the Constitution fall at our side, until hardly a forlorn hope remains; and whatever may be our destiny, the future, with all of life’s darker memories, will be brightened by the recollection of their devotion to the true principles of our Government, and of that wealth of head and heart in their intercourse with us which has endeared them to us and to ours forever.”

FAREWELL SPEECHES OF SENATORS CLAY AND  
FITZPATRICK, U. S. SENATORS FROM ALABAMA,  
ON THE OCCASION OF THEIR WITHDRAWAL FROM  
THE U. S. SENATE, JANUARY 22d, 1861

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Mr. CLAY. "I rise to announce, in behalf of my colleague and myself, that the people of Alabama, assembled in convention at their capitol on the 11th of this month, have adopted an ordinance whereby they withdrew from the Union, formed under a compact styled the Constitution of the United States, resume the powers delegated to it, and assume their separate station as a sovereign and independent people. This is the act, not of faction or of party, but of the people. True, there is a respectable minority of that convention who opposed this act, not because they desired to preserve the Union, but because they wished to secure the co-operation of all, or of a majority, of the Southern or of the planting States. There are many co-operationists, but I think not one unionist in the convention; all are in favor of withdrawing from the Union. I am therefore warranted in saying that this is the act of the freemen of Alabama.

"In taking this momentous step, they have not acted hastily or unadvisedly. It is not the erup-

tion of sudden, spasmodic, and violent passion. It is the conclusion they have reached after years of bitter experience of enmity, injustice, and injury, at the hands of their Northern brethren; after long and painful reflection; after anxious debate and solemn deliberation; and after argument, persuasion, and entreaty have failed to secure them their constitutional rights. Instead of causing surprise and incurring censure, it is rather matter of amazement, if not reproach, that they have endured so much and so long, and have deferred this act of self-defense until to-day.

"It is now nearly forty-two years since Alabama was admitted into the Union. She entered it, as she goes out of it, while the Confederacy was in convulsions, caused by the hostility of the North to the domestic slavery of the South. Not a decade, nor scarce a lustrum, has elapsed, since her birth, that has not been strongly marked by proofs of the growth and power of that anti-slavery spirit of the Northern people which seeks the overthrow of that domestic institution of the South, which is not only the chief source of her prosperity, but the very basis of her social order and State polity. It is to-day the master spirit of the Northern States, and had, before the secession of Alabama, of Mississippi, of Florida, or of South Carolina, severed most of the bonds of the Union. It denied us Christian communion, because it could not endure what it styles the moral leprosy of slaveholding; it refused us permission to sojourn, or even to pass through the North, with our property; it claimed freedom for the slave if brought by his master into a Northern

State; it violated the Constitution and treaties and laws of Congress, because designed to protect that property; it refused us any share of lands acquired mainly by our diplomacy and blood and treasure; it refused our property any shelter or security beneath the flag of a common Government; it robbed us of our property, and refused to restore it; it refused to deliver criminals against our laws, who fled to the North with our property or our blood upon their hands; it threatened us, by solemn legislative acts, with ignominious punishment if we pursued our property into a Northern State; it murdered Southern men when seeking the recovery of their property on Northern soil; it invaded the borders of Southern States, poisoned their wells, burnt their dwellings, and murdered their people; it denounced us by deliberate resolves of popular meetings, of party conventions, and of religious and even legislative assemblies, as habitual violators of the laws of God and the rights of humanity; it exerted all the moral and physical agencies that human ingenuity can devise or diabolical malice can employ to heap odium and infamy upon us, and to make us a by-word of hissing and of scorn throughout the civilized world. Yet we bore all this for many years, and might have borne it for many more, under the oft-repeated assurance of our Northern friends, and the too fondly cherished hope that these wrongs and injuries were committed by a minority party, and had not the sanction of the majority of the people, who would, in time, rebuke our enemies, and redress our grievances.

“But the fallacy of these promises and folly of

our hopes have been too clearly and conclusively proved in late elections, especially the last two presidential elections, to permit us to indulge longer in such pleasing delusions. The platform of the Republican party of 1856 and 1860 we regard as a libel upon the character and a declaration of war against the lives and property of the Southern people. No bitterer or more offensive calumny could be uttered against them than is expressed in denouncing their system of slavery and polygamy as 'twin relics of barbarism.' It not only reproaches us as unchristian and heathenish, but imputes a sin and a crime deserving universal scorn and universal enmity. No sentiment is more insulting or more hostile to our domestic tranquillity, to our social order, and our social existence, than is contained in the declaration that our negroes are entitled to liberty and equality with the white man. It is in spirit, if not effect, as strong an incitement and invocation to servile insurrection, to murder, arson, and other crimes, as any to be found in abolition literature.

"And to aggravate the insult which is offered us in demanding equality with us for our slaves, the same platform denies us equality with Northern white men or free negroes, and brands us as an inferior race, by pledging the Republican party to resist our entrance into the Territories with our slaves, or the extension of slavery, which—as its founders and leaders truly assert—must and will effect its extermination. To crown the climax of insult to our feelings and menace of our rights, this party nominated to the Presidency a man who not



only indorses the platform, but promises, in his zealous support of its principles, to disregard the judgments of your courts, the obligations of your Constitution, and the requirements of his official oath, by approving any bill prohibiting slavery in the Territories of the United States.

"A large majority of the Northern people have declared at the ballot-box their approval of the platform and the candidates of that party in the late presidential election. Thus, by the solemn verdict of the people of the North, the slaveholding communities of the South are 'outlawed, branded with ignominy, consigned to execration, and ultimate destruction.'

"Sir, are we looked upon as more or less than men? Is it expected that we will or can exercise that godlike virtue which 'beareth all things, believeth all things, hopeth all things, endureth all things;' which teaches us to *love our enemies, and bless them that curse us*? Are we devoid of the sensibilities, the sentiments, the passions, the reason, and the instincts of mankind? Have we no pride of honor, no sense of shame, no reverence of our ancestors, no care of our posterity, no love of home, or family, or friends? Must we confess our baseness, discredit the fame of our sires, dishonor ourselves, degrade our posterity, abandon our homes, and flee from our country, all for the sake of the Union? Must we agree to live under the ban of our own Government? Must we acquiesce in the inauguration of a President, chosen by confederate, but unfriendly, States, whose political faith constrains him, for his conscience and country's sake,

to deny us our constitutional rights, because elected according to the forms of the Constitution? Must we consent to live under a Government which we believe will henceforth be controlled and administered by those who not only deny us justice and equality, and brand us as inferiors, but whose avowed principles and policy must destroy our domestic tranquillity, imperil the lives of our wives and children, degrade and dwarf, and ultimately destroy, our State? Must we live, by choice or compulsion, under the rule of those who present us the dire alternative of an 'irrepressible conflict' with the Northern people in defense of our altars and our firesides, or the manumission of our slaves, and the admission of them to social and political equality? No, sir, no! The freemen of Alabama have proclaimed to the world that they will not; and have proved their sincerity by seceding from the Union, and hazarding all the dangers and difficulties of a separate and independent station among the nations of the earth.

"They have learned from history the admonitory truth, that the people who live under Governors appointed against their consent by unfriendly foreign or confederate States, will not long enjoy the blessings of liberty, or have the courage to claim them. They feel that were they to consent to do so, they would lose the respect of their foes and the sympathy of their friends. They are resolved not to trust to the hands of their enemies the measure of their rights. They intend to preserve for themselves, and to transmit to their posterity, the freedom they received from their ancestors, or perish

in the attempt. Cordially approving this act of my Mother State, and acknowledging no other allegiance, I shall return, like a true and loyal son, to her bosom, to defend her honor, maintain her rights, and share her fate."

Mr. FITZPATRICK. "Mr. President, I rise merely to add, that having had an opportunity of knowing beforehand the sentiments which my colleague has expressed; and believing that they fairly represent the feelings, opinions, and purposes of our constituents, and correctly explain the reason and causes of their late action, he was fully warranted in saying he had my full concurrence in the views which he has just submitted. I therefore deem it unnecessary, if not improper, to abuse the privilege which the courtesy of the Senate accords to me, by further remarks. I feel that I am bound by the act of Alabama, and cannot claim the rights and privileges of a member of this body. I acknowledge no loyalty to any other power than that of my sovereign State; and shall return to her with the purpose to sustain her action and to share her fortunes, for weal or woe."

FAREWELL SPEECH OF SENATOR ALFRED IVERSON,  
U. S. SENATOR FROM GEORGIA, ON THE OCCA-  
SION OF HIS WITHDRAWAL

WITHDRAWAL OF A SENATOR

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Mr. IVERSON. "I send to the Secretary a communication addressed to the Senate, which I ask to have read, and then I propose to submit a few remarks."

The Secretary read the following communication :

"WASHINGTON CITY, January 28, 1861.

*"To the Senate of the United States:*

"The undersigned has received official information that, on the 19th instant, a convention of the people of Georgia, recently assembled, and now in session, passed the following ordinance :

"An ordinance to dissolve the union between the State of Georgia and other States united with her under a compact of government, entitled the 'Constitution of the United States of America.'

"We, the people of the State of Georgia, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by the people of the State of Georgia in convention on the 2d day of January, in the year of our Lord 1788, when the Constitution of the United States of America was assented to, ratified, and adopted; and also all acts and parts of acts of the General Assembly of this State, ratifying and adopting amendments of the said Constitution, are hereby repealed, rescinded, and abrogated.

"We do further declare and ordain, that the Union now

subsisting between the State of Georgia and other States, under the name of the United States of America, is hereby dissolved; and that the State of Georgia is in the full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State."

"The undersigned, recognizing the validity of said ordinance, and the fact that the State which he, in part, represents in the Senate of the United States, has withdrawn from the Federal Union, and is now a separate, sovereign, and independent State, does not feel at liberty any longer to take part in the proceedings of the Senate, and shall this day withdraw from the body.

"Very respectfully,

"ALFRED IVERSON."

Mr. IVERSON. "The paper just read by the Clerk informs the Senate of what has already been announced to the public in unofficial form, that the State of Georgia, by the solemn act of her sovereign convention, has withdrawn from the Federal Union. She is no longer one of the United States of America, but has resumed all the powers heretofore granted by her to the Federal Government, and asserted her independence as a separate and sovereign State. In performing this important and solemn act, she has been influenced by a deliberate and firm conviction that her safety, her interest, and her honor, demanded it. The opinion of her people has been gradually tending to this point for the last ten years, and recent events have strengthened and confirmed it. An overwhelming majority of her people have, under the sanction of regularity and law, elected delegates to a convention, and expressed in that election a determination to withdraw from the Federal Union; and the convention, by a like decisive majority, and in conformity with the popular will, has passed an ordinance of secession. Georgia

is one of six States which, within less than sixty days, have dissolved their connection with the Federal Union, and declared their separate independence. An election for delegates to a convention now in session of another State, is known to have resulted in favor of the same fixed determination, and steps are now in progress by all these States to form a Confederacy of their own. In a few weeks at furthest, a provincial government will be formed by them, with ample powers for their own defense—with power to enter into negotiations with other nations, to make war, conclude peace, form treaties, and generally to do all other things which independent nations may of right do. Provision will be made for the admission of other States into the new Union; and it is confidently believed that, within a few months, all the slaveholding States of the late Confederacy of the United States will be united together in a bond of union far more homogeneous, and therefore more stable, than the one now being dissolved.

“I content myself, Mr. President, with a statement of these facts and these conclusions without making an argument to justify or defend them. I have only to say, that this action of my own State, and of her immediate Southern neighbors and sisters, meets the approval of my well-considered and deliberate judgment; and as one of her native sons and loyal subjects, I shall cheerfully and joyously cast my lot with her and them, and, sink or swim, live or die, I shall be of and with her and them to the last. Sir, with the secession of the Southern States, either in whole or in part, and the forma-

tion of a Southern Confederacy, two grave and momentous alternatives will devolve upon the Federal Government and the remaining States which shall compose the Federal Union. You may acquiesce in the revolution, and acknowledge the independence of the new Confederacy, or you may make war upon the seceding States and attempt to force them back into a Union with you. If you acknowledge our independence, and treat us as one of the nations of the earth, you can have friendly intercourse with us; you can have an equitable division of the public property and of the existing public debt of the United States. If you make war upon us, we will seize and hold all the public property within our borders or within our reach, and we will never pay one dollar of the public debt. War, by the laws of nations, extinguishes all public and private obligations between the contending States, and the individual citizens who compose them. The first Federal gun fired upon the seceding States; the first drop of blood of any of their people shed by Federal troops, will cancel every public and private obligation of the South which may be due either to the Federal Government or to the Northern people.

"We care not in what shape or form, or under what pretexts, you attempt coercion. We shall consider and treat all and every effort to assert your authority over us as acts of war, and shall meet and resist them. You may send your armies to invade us by land; your ships to blockade our ports, and destroy our trade and commerce with other nations. You may abolish our ports of entry by act of Con-



gress, and attempt to collect your Federal revenues by ships of war. You may do all or any of these or similar acts. They will be acts of war, and will be so understood and treated; and in whatever shape you attack us, we will fight you. You boast of your superior numbers and your greater strength. Remember that 'the race is not always to the swift, nor the battle to the strong.' You have your hundreds of thousands of fighting men. So have we; and, fighting upon our own soil, to preserve our rights, vindicate our honor, and defend our homes and firesides, our wives and children, from the invader, we shall not be easily conquered. You *may possibly* overrun us, desolate our fields, burn our dwellings, lay our cities in ruins, murder our people, and reduce us to beggary; but you cannot subdue or subjugate us to your Government or your will. Your conquest, if you gain one, will cost you a hundred thousand lives, and more than a hundred million dollars. Nay, more, it will take a standing army of a hundred thousand men, and millions of money annually, to keep us in subjection. You may whip us, but *we will not stay whipped*. We will rise again and again to vindicate our right to liberty, and to throw off your oppressive and accursed yoke, and never cease the mortal strife until our whole white race is extinguished and our fair land given over to desolation. You will have ships-of-war, and we may have none. You may blockade our ports and lock up our commerce. We can live, if need be, without commerce. But when you shut out our cotton from the looms of Europe, we shall see whether other nations will not have something

to say and something to do on that subject. 'Cotton is king,' and it will find means to raise your blockade and disperse your ships.

"Mr. President, I know that hopes are entertained, and great efforts are being made to retain the border slavholding States in the present Federal Union. Let coercive measures be commenced against the Southern Confederacy, or any of the seceding States, no matter in what form they may be adopted, and all such hopes and efforts will vanish into thin air. The first act of Federal legislation looking to coercion—the first Federal gun fired—the first Federal ship which takes her station off a Southern port to enforce the collection of the Federal revenues—will bring all the other Southern States, including even Maryland—laggard as she seems to be in the vindication of Southern Independence—into an immediate alliance and union with their more Southern sisters; and thus united, they will resist and defy all your efforts to subdue them. There are those, Mr. President, who, surrendering all hope of preventing a disruption of the Union, and recognizing the existing fact of its dissolution, yet hope to see it reconstructed. Sir, war between the two sections will forever close the door to such a project. I will not say, sir, that the Southern States, if let alone, ever after they have formed a separate Confederacy, will not listen respectfully to propositions of reconstruction. Let the North make them, and we will consider them. The Southern people have heretofore cherished a warm and sincere attachment and reverence for the Union, and nothing but a stern conviction of the necessity and

propriety of leaving it, and forming a safer and more perfect Union, would have driven them to the alternative of separation from it. When they see (if it shall not be too long deferred) a returning sense of justice and fraternal feelings in the Northern mind and heart, and can find sufficient and reliable guarantees for the protection and permanent enjoyment of their equality and rights in the Union, they may, perhaps, reconsider their present action, and rejoin their former confederates.

"For myself, sir, I am free to declare that, unless my opinions shall be greatly changed, I shall never agree to the reconstruction of the Federal Union. The Rubicon is passed; and it shall never, with my consent, be recrossed. But in this sentiment I may be overruled by the people of my State, and of the other Southern States. I may safely say, however, that nothing will satisfy them or bring them back, short of a full and explicit recognition and guarantee of the safety of their institution of domestic slavery and the protection of the constitutional rights for which in the Union they have been so long contending, and a denial of which, by their Northern confederates, has forced them into their present attitude of separate independence.

"And now, Mr. President, it remains for me only to express my grateful acknowledgments and thanks for the uniform courtesy and kindness with which I have been treated by all those Senators with whom I have had official or social relations during my service in this body; and wishing them each and all long life, prosperity, and happiness, I bid them farewell."

FAREWELL SPEECH OF SENATOR SLIDELL OF LOUISIANA, ON THE OCCASION OF HIS WITHDRAWAL FROM THE U. S. SENATE, FEBRUARY 4, 1861

WITHDRAWAL OF A SENATOR

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Mr. SLIDELL. "I send to the Secretary a paper, which I desire to have read."

The Secretary read, as follows:

*"An Ordinance to dissolve the union between the State of Louisiana and other States united with her, under the compact entitled 'The Constitution of the United States of America.'*

"We, the people of the State of Louisiana, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance passed by us in convention on the 22d day of November, in the year 1811, whereby the Constitution of the United States of America, and the amendments of said Constitution, were adopted, and all laws and ordinances by which the State of Louisiana became a member of the Federal Union, be, and the same are hereby, repealed and abrogated; and that the union now subsisting between Louisiana and other States, under the name of the 'United States of America,' is hereby dissolved.

"We do further declare and ordain, that the State of Louisiana hereby resumes all rights and powers heretofore delegated to the Government of the United States of America; that her citizens are absolved from all allegiance to said Government; and that she is in full possession and exercise of all those rights of sovereignty which appertain to a free and independent State.

"We do further declare and ordain, that all rights acquired

and vested under the Constitution of the United States, or any act of Congress, or treaty, or under any law of this State and not incompatible with this ordinance, shall remain in force and have the same effect as if this ordinance had not been passed.

"The undersigned hereby certifies that the above ordinance is a true copy of the original ordinance adopted this day by the convention of the State of Louisiana.

"Given under my hand and the great seal of Louisiana, at Baton Rouge this 26th day of the month of January, in the year of our Lord 1861.

"[L. S.]

A. MOUTON,

*"President of the Convention.*

"J. THOMAS WHEAT, *Secretary of the Convention.*"

Mr. SLIDELL. "Mr. President, the document which the Secretary has just read, and which places on the files of the Senate official information that Louisiana has ceased to be a component part of these once United States, terminates the connection of my colleague and myself with this body. The occasion, however, justifies, if it does not call for, some parting words to those whom we leave behind, some forever, others we trust to meet again and to participate with them in the noble task of constructing and defending a new Confederacy; which, if it may want at first the grand proportions and vast resources of the old, will still possess the essential elements of greatness, a people bold, hardy, homogeneous in interests and sentiments, a fertile soil, an extensive territory, the capacity and the will to govern themselves through the forms and in the spirit of the Constitution under which they have been born and educated. Besides all these, they have an advantage which no other people seeking to change the Government under which they had before lived have ever

enjoyed; they have to pass through no intervening period of anarchy; they have in their several State Governments, already shaped to their hands, everything necessary for the preservation of order, the administration of justice, and the protection of their soil and their property from foreign or domestic violence. They can consult with calmness and act with deliberation on every subject, either of immediate interest or future policy.

“But, if we do not greatly mistake the prevailing sentiment of the Southern mind, no attempt will be made to improve the Constitution; we shall take it such as it is; such as has been found sufficient for our security and happiness, so long as its true intent and spirit lived in the hearts of a majority of the people of the free States, and controlled the action not only of the Federal but of the State Legislatures. We will adopt all laws not locally inapplicable or incompatible with our new relations; we will recognize the obligations of all existing treaties—those respecting the African slave trade included. We shall be prepared to assume our just proportion of the national debt; to account for the cost of all the forts and other property of the United States, which we have been compelled to seize in self-defense, if it should appear that our share of such expenditure has been greater than in other sections; and above all, we shall, as well from the dictates of natural justice and the principles of international law as of political and geographical affinities and of mutual pecuniary interests, recognize the right of the inhabitants of the valley of the Mississippi and its tributaries to its free navigation; we will guarantee

to them a free interchange of all agricultural productions without impost, tax duty, or toll of any kind; the free transit from foreign countries of every species of merchandise, subject only to such regulations as may be absolutely necessary for the protection of any revenue system we may establish, and for purposes of police.

“As for such States of the Union as may not choose to unite their destinies with ours, we shall consider them, as we shall all other foreign nations, ‘enemies in war, in peace, friends.’ We wish and we hope to part with them amicably; and, so far as depends on us, they shall have no provocation to pursue a hostile course; but in this regard we, from the necessities of the case, can only be passive; it will be for the people of the non-slaveholding States to decide this momentous question. This declaration, however, requires some qualification. Could the issue be fairly presented to the people of those States, we should have little doubt of a peaceful separation, with the possibility of a complete, and the probability of a partial, reconstruction on a basis satisfactory to us and honorable to them; but, with the present representations in either branch of Congress, we see nothing to justify our indulging any such expectation. We must be prepared to resist coercion, whether attempted by avowed enemies, or by a hand heretofore supposed friendly, by open war, or under the more insidious, and, therefore, more dangerous pretext of enforcing the laws, protecting public property, or collecting the revenue. We shall not cavil about words, or discuss legal and technical distinctions; we shall consider that one as



equivalent to the other, and shall be prepared to act accordingly. *Utroque arbitrio parati*. You will find us ready to meet you with the outstretched hand of fellowship, or in the mailed panoply of war, as you may will it; elect between these alternatives.

"We have no idea that you will even attempt to invade our soil with your armies; but we acknowledge your superiority on the sea, at present, in some degree accidental, but in the main, natural, and permanent, until we shall have acquired better ports for our marine. You may, if you will it, persist in considering us bound to you during your good pleasure; you may deny the sacred and indefeasible right, we will not say of secession, but of revolution—ay, of rebellion, if you choose so to call our action—the right of every people to establish for itself that form of Government which it may, even in its folly, if such you deem it, consider best calculated to secure its safety and promote its welfare. You may ignore the principles of our immortal Declaration of Independence; you may attempt to reduce us to subjection, or you may, under color of enforcing your laws or collecting your revenue, blockade our ports. This will be war, and we shall meet it, with different but equally efficient weapons. We will not permit the consumption or introduction of any of your manufactures; every sea will swarm with our volunteer militia of the ocean, with the striped bunting floating over their heads, for we do not mean to give up that flag without a bloody struggle, it is ours as much as yours; and although for a time more stars may shine on your banner, our children, if not we, will rally under a constellation

more numerous and more resplendent than yours. You may smile at this as an impotent boast, at least for the present, if not for the future; but if we need ships and men for privateering, we shall be amply supplied from the same sources as now almost exclusively furnish the means for carrying on, with such unexampled vigor, the African slave trade—New York and New England. Your mercantile marine must either sail under foreign flags or rot at your wharves.

“But, pretermittting these remedies, we will pass to another equally efficacious. Every civilized nation now is governed in its foreign relations by the rule of recognizing Governments ‘*de facto*.’ You alone invoke the doctrine of the ‘*de jure*,’ or divine right of lording it over an unwilling people strong enough to maintain their power within their own limits. How long, think you, will the great naval powers of Europe permit you to impede their free intercourse with their best customers for their various fabrics, and to stop the supplies of the great staple which is the most important basis of their manufacturing industry, by a mere paper blockade? You were, with all the wealth and resources of this once great Confederacy, but a fourth or fifth rate naval power, with capacities, it is true, for large, and in a just quarrel, almost indefinite, expansion. What will you be when not merely emasculated by the withdrawal of fifteen States, but warred upon by them with active and inveterate hostility?

“But enough, perhaps somewhat too much of this. We desire not to speak to you in terms of bravado or menace. Let us treat each other as men, who,

determined to break off unpleasant, incompatible, and unprofitable relations, cease to bandy words, and mutually leave each other to determine whether their differences shall be decided by blows or by the code which some of us still recognize as that of honor. We shall do with you as the French guards did with the English at the battle of Fontenoy. In a preliminary skirmish, the French and English guards met face to face; the English guards courteously saluted their adversaries by taking off their hats; the French returned the salute with equal courtesy. Lord Hay, of the English guards, cried out, in a loud voice: 'Gentlemen of the French guards, fire.' Count D'Auteroche replied in the same tone: 'Gentlemen, we never fire first.' The English took them at their word, and did fire first. Being at close quarters, the effect was very destructive, and the French were, for a time, thrown into some disorder; but the fortunes of the day were soon restored by the skill and courage of Marshal Saxe, and the English, under the Duke of Cumberland, suffered one of the most disastrous defeats which their military annals record. Gentlemen, we will not fire first.

"We have often seen it charged that the present movement of the Southern States is merely the consummation of a fixed purpose, long entertained by a few intriguers for the selfish object of personal aggrandizement. There never was a greater error—if we were not about to part, we should say a grosser or more atrocious calumny. Do not deceive yourselves; this is not the work of political managers, but of the people. As a general rule, the in-

instincts of the masses, and the sagacity of those who, in private life, had larger opportunities for observation and reflection, had satisfied them for the necessity of separation long before their accustomed party leaders were prepared to avow it. We appeal to every Southern Senator yet remaining here, whether such be not the case in his own State. Of its truth, we can give no stronger illustration than the vote in the Louisiana convention. Of one hundred and thirty members, every delegate being in his seat, one hundred and thirteen voted for immediate secession; and of the seventeen who voted against it, there were not more than four or five who did not admit the necessity of separation, and only differed as to the time and mode of its accomplishment.

"Nor is the mere election, by the forms of the Constitution, of a President distasteful to us, the cause, as it is so often and so confidently asserted, of our action. It is this: we all consider the election of Mr. Lincoln, with his well-known antecedents and avowed principles and purposes, by a decided majority over all other candidates combined in every non-slaveholding State on this side of the Pacific slope, noble, gallant New Jersey alone excepted, as conclusive evidence of the determined hostility of the Northern masses to our institutions. We believe that he conscientiously entertains the opinions which he has so often and so explicitly declared, and that, having been elected on the issues thus presented, he will honestly endeavor to carry them into execution.

"While now we have no fears of servile insurrection, even of a partial character, we know that

his inauguration as President of the United States, with our assent, would have been considered by many of our slaves as the day of their emancipation; and that the 4th of March would have witnessed, in various quarters, outbreaks, which, although they would have been promptly suppressed, would have carried ruin and devastation to many a Southern home, and have cost the lives of hundreds of the misguided victims of Northern negrophilism.

“Senators, six States have now severed the links that bound them to a Union to which we were all attached, as well by many ties of material well-being as by the inheritance of common glories in the past, and the well-founded hopes of still more brilliant destinies in the future! Twelve seats are now vacant on this floor. The work is only just begun. It requires no spirit of prophecy to point to many, many chairs around us that will soon, like ours, be unfilled; and if the weird sisters of the great dramatic poet could here be conjured up, they would present to the affrighted vision of those on the other side of the Chamber, who have so largely contributed to ‘the deep damnation of this taking off,’ a ‘glass to show them many more.’ They who have so foully murdered the Constitution and the Union will find, when too late, like the Scottish Thane, that, ‘for Banquo’s issue they have filled their minds;’ ‘they have but placed upon their heads a fruitless crown, and put a barren scepter in their gripe, no son of theirs succeeding.’

“In taking leave of the Senate, while we shall carry with us many agreeable recollections of intercourse, social and official, with gentlemen who have

differed with us on this, the great question of the age, we would that we could, in fitting language, express the mingled feelings of admiration and regret with which we look back to our associations on this floor with many of our Northern colleagues. They have, one after the other, fallen in their heroic struggle against a blind fanaticism, until now but few—alas! how few—remain to fight the battle of the Constitution. Several even of these will terminate their official career in one short month, and will give place to men holding opinions diametrically opposite, which have recommended them to the suffrages of their States. Had we remained here, the same fate would have awaited, at the next election, the four or five last survivors of that gallant band; but now we shall carry with us at least this one consoling reflection: our departure realizing all their predictions of ill to the Republic, opens a new era of triumph for the Democratic party of the North, and will, we firmly believe, reestablish its lost ascendancy in most of the non-slaveholding States.”

## JUDAH P. BENJAMIN

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Judah P. Benjamin—lawyer, author, statesman. He achieved distinction in two countries. Before he had reached life's meridian he had acquired the highest position politically in a representative capacity that our form of government offers. After he had passed middle life he took up the profession of the law in a new country, and again carved his name on the tablet of fame.

His parents were English Jews. He was born in the West Indies in 1811; died in Paris May 6, 1884. Soon after his birth his family removed to Wilmington, N. C. Young Benjamin attended school at Fayetteville. Subsequently, he spent three years at Yale College. His parents changed their residence a number of times, until they finally landed in New Orleans, La. There Benjamin served in the capacity of a notary, clerk, taught school for some time, studied law, and in 1832 was admitted to the Louisiana bar.

Louisiana had been acquired by the United States from France but a short time previously, and its language and legal system were still largely those of France. The broadening influences of the necessary mastery of different systems of law and literature



left their mark upon Benjamin, and can be traced to the breadth of grasp, philosophical reasoning, and wide reading to which he subsequently attained. Nor should notice be omitted of certain other formative influences which the *London Times* of May 19, 1884, commented upon in a sympathetically worded obituary:

"His inheritance of that elastic resistance of evil fortune which preserved Mr. Benjamin's ancestors through a succession of exiles and plunderings reappeared in the minister of the Confederate cause, together with the same refined apprehension of logical problems which formed the subtleties of the Talmud."

Benjamin's success at the Louisiana bar was remarkably rapid. He was an indefatigable worker. He early adopted the motto that "There is no excellence without great labor," and made it the guiding principle of his life. Richly endowed by nature, coupled with great capacity for work, he had the two marked traits that yield to result in the life of any who are rich enough to possess them. He prepared for his own use a digest of the reported decisions of the Supreme Court of the late Territory of Orleans, which was the earliest digest of the Louisiana law. Together with his friend, Thomas Slidell, he edited and prepared this for publication in the year 1834.

Soon his law practice became more engrossing, and as one of the recognized leaders of the Louisiana bar he rapidly acquired a competence which enabled him to withdraw from the legal arena, purchase a sugar plantation near New Orleans, and

devote himself to sugar planting and to scientific expositions of the best methods of extracting saccharine matter from the cane. Politics actively interested lawyer Benjamin, and from time to time he was elected to various local offices.

The law seemed to be the charmed circle where he was destined to become the central figure, and in 1840 he resumed the practice of his profession, forming an association where he soon entered into an immense practice, netting the members of the firm of Slidell, Benjamin, and Conrad more than \$20,000 each for many successive years. The senior member of the firm was interested as a cotton merchant, and was one of the large planters of the State.

In the early existence of the firm Mr. Benjamin was principal counsel in a case where insurance was claimed arising from an insurrection of slaves while on board vessel. It is known in the law in this country as the *Creole* case, and excited great interest; and was printed and widely circulated because of the powerful argument by Mr. Benjamin in connection with the same.

In 1847 the Government appointed a commission to investigate Spanish land titles, and Mr. Benjamin was retained as counsel with a fee of \$25,000. He was absent a year on this commission, at the end of which time he returned to New Orleans and was admitted a councilor of the Supreme Court of the United States, and from that period he was recognized in cases argued before that august tribunal. The law reports of legal cases of that period are evidence of the large number of famous cases with which he was associated.

About 1847 Mr. Benjamin engaged more actively in politics. All his life he had been an ardent Whig, but in the early fifties that old party was disrupted, and he affiliated with the Democrats. He was elected for the first time to the United States Senate in 1852 and reëlected in 1857, having for his colleague John Slidell. His entry in the United States Senate marked perhaps the most attractive time of his life, and he soon made a profound impression in this body. Charles Sumner, his constant political opponent, regarded him as the most eloquent speaker in that body, and Sir George Cornwall Lewis, who was present and heard his remarkable address of the 31st of December, 1860, in which he justified the right of the States to secede and declared his adhesion to the cause of the Southern Confederacy, said: "It is better than our Benjamin [referring to Disraeli] could have done." It was in this celebrated speech that he reached the eloquent climax where these words went home to the very hearts and souls of his auditors:

"Now, Senators, this picture is not placed before you with any idea that it will act upon any one of you or change your views or alter your conduct. All hope of that is gone. Our Committee has reported this morning that no possible scheme of adjustment can be devised by them all combined. The day for the adjustment has passed. If you would give it now you are too late. And now, Senators, within a few weeks we part to meet as Senators in one Common Council Chamber of the Union no more forever. We desire, we beseech you, let this parting be in peace. I conjure

you to indulge in no vain delusion that duty or conscience, interest or honor, imposes upon you the necessity of invading our States or shedding the blood of our people. You have no possible justification for it. I trust it is in no craven spirit and with no sacrifice of the honor or dignity of my own State that I make this last appeal, but from far higher motives. If, however, it shall prove vain, if you are resolved to pervert the Government framed by the fathers for the protection of our rights into an instrument for subjugating and enslaving us, then appealing to the Supreme Judge of the universe for the rectitude of our intentions, we must meet the issue that you force upon us as best becomes free men defending all that is dear to man.

“What may be the fate of this horrible contest no man can tell, none pretend to foresee, but this much I will say, the fortunes of war may be adverse to our arms; you may carry desolation into our peaceful land, and with torch and fire you may set our cities in flames; you may even emulate the atrocities of those who in the War of the Revolution hounded on the bloodthirsty savage to attack upon the defenseless frontier; you may, under the protection of your advancing armies, give shelter to the furious fanatics who desire and profess to desire nothing more than to add all the horrors of a servile insurrection to the calamities of civil war. You may do all this, and more too, if more there be—but you never can subjugate us, you never can convert the free sons of the soil into vassals paying tribute to your power, and you never, never can degrade them to the level of an inferior and servile race,

never, never." [Loud applause in the galleries.]

The debates in the United States Senate from 1852 up to and including 1861 contain many speeches of Mr. Benjamin, and his rich, varied thought that reflected light on every public question of that time.

President Franklin Pierce, in recognition of his admirable legal talents, offered Mr. Benjamin the position of Associate Justice on the Supreme Court Bench of the United States, which he respectfully declined, preferring to remain in the active practice of his profession.

After South Carolina passed the ordinance of secession he made several brilliant speeches in the Senate on constitutional questions from his standpoint, and he was always ready to defend the rights of the States on legal grounds. Immediately after he withdrew from the Senate Chamber and delivered his celebrated farewell address, fearing arrest, he hastily left Washington. Upon the formation of the provisional government of the Southern Confederacy, Mr. Benjamin was appointed to the post of the Department of Justice, and Mr. Jefferson Davis, in his "Rise and Fall of the Confederate Government," says of him at that juncture: "Mr. Benjamin had a very high reputation as a lawyer, and my acquaintance with him in the Senate impressed me with the lucidity of his intellect, his systematic habits and capacity for labor."

In August he was transferred from the Department of Justice of the Confederate States to the Department of War, in which office he continued until the reconstruction of the Cabinet in 1862, when

he became Secretary of State, where he remained until the final overthrow of the Confederacy. His exertions in the discharge of his official duties were so great as to almost break down his iron strength. Beginning work at his office at eight in the morning he remained there often eighteen hours, hard at his labors, with only a few moments' respite for meals. He had the reputation of being the brain of the Confederacy, and it is alleged that Mr. Davis fell into the habit of putting upon Mr. Benjamin all the matter that did not obviously belong to some other Department. A long sketch of his life referring to that position and the part he took in the administration of the affairs of the Confederate Government says: "The character of Mr. Davis's government and the secrecy often observed in the debates of the House of Representatives render it doubtful how far Mr. Benjamin was responsible for the arbitrary measures which marked the conduct of the war by the Confederates."

In spite of the high opinion Mr. Davis has formed of him, some of his measures were sharply opposed in the House, and the severe criticism evoked by his conscription law led to his resignation in 1862, when he resumed the position of Secretary of State, which office he retained until the collapse of the Confederacy in 1865.

James Schouler, in the "History of the United States," remarks:

"Contemporaries had said at the outset that Toombs was the brain of the Confederacy, but that title, as events developed, belonged rather to Attorney-General Benjamin, the ablest, most versatile,



and most constant of Mr. Davis's civil councilors, who acted as Secretary of War after Walker's retirement in September, and was then by the following March installed Secretary of State, to remain premier until the bitter end, sanguine and serene in bearing throughout all mutations of fortune and misfortune."

On the collapse of the Confederate Government Mr. Benjamin fled from Richmond, and his adventures, which are briefly quoted from authentic Confederate archives, recite that his escape to England was of a most romantic nature. Mr. Davis departed from Richmond after the news of Lee's surrender at Appomattox Court House, accompanied by the members of his Cabinet, leaving Greensboro, N. C., on the 12th of April, 1865. Mr. Benjamin, to whom corpulence had made riding rather difficult, insisted that an ambulance should be found for him, and in this he rode with his brother-in-law, M. Jules, St. Martin, and General Cooper. The roads getting worse, he rode on a tall horse from Abbeyville, S. C., reaching the other side of the Savannah River, and then, unable to ride farther, and scenting danger from so large a party, he on the 4th day of May, 1865, made for the seacoast, "intending," says Mr. Davis, "to make his way by Cuba to Mexico, and thence to Texas, to join me wherever (with such troops as might be assembled) I should be at the anticipated time, and still hope that it might be a more successful struggle in the future." He carried with him an army certificate, a free pass to all Confederate offices, certifying him a French subject, and it was agreed that if he fell



in with any Federal troops he was to keep up the deception by using French, which language he spoke like a native. Ill luck followed him. He escaped from the coast of Florida in a leaky, open boat, sailed thence in a vessel laden with sponges for Nassau, and after being wrecked on the way he was picked up by a British man-of-war and carried to St. Thomas. The steamer in which he sailed thence for England caught fire, and he had to put back. By this time the final collapse of the Confederacy was assured, and Mr. Benjamin went into exile. He landed in Liverpool almost penniless, and with the exception of a small sum remitted to England, all his fortune was lost or confiscated.

Arriving in London he claimed to be a British subject, and was recognized, fifty-five years after his birth, as is attested by a statement in his own handwriting in the books of Lincoln's Inn. He at once entered as a student of English law in the pupil room of Mr. Charles Pollock, but through the friendly intercourse of Lord Chief Justice Giffard and Vice-Chancellor Page Wood a dispensation from the usual three years of studentship was procured for him, and he was admitted to the English bar on the 6th day of June, 1866, at the age of fifty-five. He immediately attached himself to the old Northern Circuit, where he was befriended by Messrs Quain and Holkar, leaders of the circuit; but for a time he received little practice, his only clients being Messrs. Stone, Fletcher, and Hull, who, through their London agents, introduced him to London work. On the rendition of his first brief Lord Justice Lush congratulated him, but his misfor-

tunes seemed to cling to him for a time, and he was compelled to resort to journalism to support himself. His great work on the English law appeared in 1868. Its success was speedy, both in England and in the United States, a second and third edition appearing in 1883, the revision of a portion of which was the final task of Mr. Benjamin's talents before his health broke down. After the first appearance of this book his practice increased enormously. His income for a number of years prior to his retirement from the bar is said to have been upward of \$20,000 per annum. In 1872 he attained the rank of Queen's counsel. His pre-eminence in the law at the Court of the English Government was the subject of comment among his contemporaries in the practice of the law, as it has been given to few men to reach within such a brief period the culminating success he attained. He had a great faculty for argumentative statements, and would put his case at once fairly, and yet so that it would seem to admit of no reply. Naturally he objected to being interrupted in court. Once in the House of Lords, so he told the story, he heard a noble lord (it is believed to have been Lord Cairns) on some proposition of his to ejaculate "Nonsense!" Mr. Benjamin stopped, tied up his brief, bowed, and retired, but the Lords sent him a public conciliatory message, and his junior was allowed to finish the argument. His power of stating his own case properly was the cause of the very sanguine character of the opinions he gave on cases laid before him. Among his best arguments are those of *Debenhan vs. Mellon*, *United States of*

America vs. Rae, the Franconia case,—one of his rare appearances in a criminal court,—and the Tichborne Appeal to the House of Lords.

A farewell dinner was given in Mr. Benjamin's honor by the bench and bar of England in the Hall of the Inner Temple, London, on June 30, 1883, under the Presidency of the Attorney-General, Sir Henry James. His standing as the unquestioned leader of the British bar had been generally recognized for some time prior to his retirement.

He was a great sufferer during the last years of his life from weakness of the heart. In 1880 he fell from a street-car in Paris, receiving a severe injury. Two years later he was compelled to give up all work and to relinquish many cases which he had engaged to try. From the date of his injury his health failed rapidly, and on the 6th day of May, 1884, he died.

By his will made in 1883 he left a personalty of \$300,000. He left no memoirs, as it was his invariable habit to destroy all private documents.

In his habits of life he exhibited a great deal of the Southern temperament. He was skilful at games, and used to say that he loved to "bask in the sun like a lizard." On compulsion he would work into the small hours of the morning, but he preferred to postpone his dinner until late, so as to complete what he had to do, and he owned that to rise and to work early in the morning was impossible to him.

To the last his loyalty to the lost cause of the Southern Confederacy was retained, and he was always bountiful to those whom he met who had suf-

ferred for it. Investigation has failed to confirm the rumor that he abandoned the Jewish faith on his death-bed. The late Isaac M. Wise, in his "Reminiscences," gives an account of an interesting discussion between Benjamin, Daniel Webster, Maury, the scientist, and himself, relative to their religious faiths, in the course of which Benjamin declined to permit his Jewish religious views to be described as Unitarian, as Webster claimed the faiths of all four were in their essence.

In 1854 he presented to the Senate on behalf of American Jewish citizens a petition calling for governmental action against Swiss anti-Jewish discriminations recognized in a treaty with our Government, acting as spokesman for American Jews.

He was recognized in the Senate as one of the ablest debaters. His readiness in debate was remarkable. As a rule he spoke on the spur of the moment, without preparation. One of his colleagues has said that he was the best extemporaneous speaker on the floor of the Senate. When we refer to the Congressional Record of that period we are impressed by what is set forth there, in that it frequently happened that his friends were so much impressed with his oratory as to be obliged to pay tribute to him on the spot.

In the Senate Mr. Benjamin's constitutional and legal arguments attracted attention and made him the leader par excellence in the defense of the momentous issues that pressed themselves upon Congress at that time. Senator Benjamin was frequently called upon to deliver orations on national holidays, and on other non-political occasions. Competent

judges declare that he was often happier at these times than in his political addresses and arguments. His right to be regarded as one of the world's greatest orators is no longer a question. It was recently forcibly brought to our attention from appropriate examples of his style in the comprehensive series of articles "The World's Best Orators," as well as in "The World's Best Orations," the latter edited by Justice David J. Brewer.

Henry L. Dawes classed Benjamin with Sumner, Beecher, Wendell Phillips, Yancey, and Breckinridge, as having stirred multitudes, aroused passions, and fired the public heart in terms not less eloquent than the loftiest productions of Fox, of Pitt, of Patrick Henry, or John Adams.

The religious faith of Mr. Benjamin should not be called in question. We have the testimony of his intimates that he relied on a higher power and was a firm believer in a future life. In his eulogy delivered on Senator Evans, in May, 1858, he reveals a glimmer of his hope of immortality. He says:

"Let us thank God that his last moments were cheered by the conviction that imminence of the danger had passed away, that the lowering clouds had parted, that the fair blue sky again gave promise of calm and of sunshine, and that bright rays of hope gilded the dying couch of the departed patriot."

## EDWARD DICKINSON BAKER

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Edward Dickinson Baker was born in London, England, on February 24, 1811. His family came to the United States about the year 1815, and settled in Philadelphia. They were highly respectable persons of energy, good sense, and accomplished education. Upon the arrival of his family in Philadelphia they taught school for a few years, successfully, at a time when that city was probably most renowned of any in the Union for the excellence of its institutions of learning. After a short residence in Philadelphia, they changed to Springfield, Ill.

From the outset of Baker's career in that State he took a prominent part in the discussion of public affairs, and acquired considerable reputation as a public man. In 1832 he was a major in what is known as the Black Hawk War.

By the exertion of his own extraordinary abilities he soon attained a high rank in his profession—and this is no slight praise, for “there were giants in the land in those days.” Hardin, Lincoln, Douglas, and Logan were his rivals, and acknowledged his prowess. He was a member of the Legislature of the State of Illinois for ten consecutive years. In 1845 he entered the House of Representatives from the Springfield district of Illinois, a

member of the 29th Congress. During this Congress war existed with Mexico, and Baker left his place in the House, went to Illinois and raised the Fourth Regiment from that State. He went with his regiment to the deadly banks of the Rio Grande, and entered the command of General Taylor. In December, 1846, he returned from Mexico, and yielding to the demands of public business, appeared in the House of Representatives and delivered a speech remarkable for its force and patriotic feeling, which quelled partisan opposition and secured an additional appropriation for the comfort of the soldiers in the field. Immediately thereafter he resigned his seat in Congress and returned forthwith to Mexico. Soon afterwards he was engaged at the battle of Cerro Gordo, where the brave General Shields was wounded severely, and Baker, having charge of the attacking column, assumed command. History tells the story of the courage he displayed while in command of the Fourth Illinois Regiment on that terrible but glorious day. The war over, he returned to Illinois, and the State honored him with a sword in grateful recognition of his services.

About 1849, while a resident of the Springfield district, party friends urged him to come to the Galena district, then overwhelmingly Democratic. After some persuasion he demonstrated that self-reliance always manifest in him. He took up his residence in the Galena district, and determined to attack the citadel of the Democratic faith. As some one has said, "he went with the sling of Freedom and the pebble of Truth," and the giant of Democracy fell before him. He served in the 31st



Congress as a member from Galena district, and again achieved distinction in this Congress.

In the summer of 1852 he determined to cast his fortunes in the Western country, and arrived in California in the latter part of June of that year. He at once attained a high position in his profession, and it would take some pages to recount his triumphs with the eminent men at the bar. He had a reputation everywhere for his ability in cases of life and death, and seemed to be irresistible before a jury by the magic of his eloquence, and deprived men of their reason, as it were, as he overwhelmed them in admiration for his transcendent genius. By common consent he was regarded as having no rival in this branch of his profession. A member of the bar and a life-long friend of Baker who was actively engaged in the profession of law in San Francisco at that time, writes:

"It would be a grateful task to me and a most agreeable one to dwell upon the beauties of many of his speeches. Who but Baker could draw such houses in Old Music Hall? Who could call alike the student and the mechanic to hear him discourse on the advantages of free labor and the duty of Government to protect and encourage it? Who could dim the eye of beauty with a tear of sympathy and soften the heart of the miser in one and the same effort, while he pleaded the cause of benevolence and charity? Who like him could call the miner from digging gold, the farmer from his plow, the man of business from his work, while he talked as one inspired of the thousand blessings of our Union and the greatness that awaited us in the future?

How often, when we have thus heard him, with a heart overflowing with patriotism and an eye of fire, when he spoke of the inestimable value of our Constitution and Union, of our mission among the nations of the earth, when he seemed to 'stoop to touch the loftiest thought' which other men would toil laboriously to reach, have we thought he appeared to be the very personification of what the poet has said: 'How noble in reason, infinite in faculties; in form and moving, how express and admirable; in apprehension, how like a god!'"

He remained in California until 1860. He then made another change. It is a trite old saying that "a rolling stone gathers no moss." It had no application to the life of General Baker. He was superior to every obstacle, and seemed to have gifts that could surmount every difficulty. He determined to take up his abode in Oregon, and within one brief span of six months he achieved what no other man but E. D. Baker could perform. It was "an easy leap to pluck bright honor from the pale-faced moon." His friends tried to dissuade him, but his determination was fixed and unalterable. He went to Oregon. Crowds flocked to hear him. In less than six months he was on his way to Washington, a United States Senator from that State. He had reached the very acme of his ambition. He had reached the last round of the ladder of fame. He had realized his life-long aspiration—he was a United States Senator.

He took his seat in the Senate Chamber in December, 1860. Much was expected of him, and he did not disappoint the hopes of his friends. We find

I'm in the very brunt of the battle, in the front of the arena. In January, 1861, clashing in debate with the talented Benjamin, a skilful and accomplished orator of high exploit in the Senate,—“a fairer person lost no heaven,”—he made a great speech, celebrated for strength of argument, logical power, and majestic eloquence which would have honored the old Senate in the days of Webster, Clay, and Calhoun. They were days thrilling and sensational, which are referred to in other pages of this book. A more noteworthy scene has never been pictured in legislative annals than the great mental combat between Baker and Breckinridge, drawing swords, metaphorically, over the constitutional issues of that day, and the logical and forceful debates with Benjamin, Toombs, and Davis.

What a quick, rapid career this man lived! He seemed to be born under a star of destiny that made him a marked man from the beginning. Born to poverty, in his very boyhood he takes front rank in all the pursuits that he follows. Before he has attained his majority he masters the law out of borrowed books, and from the time that he is admitted to the bar he has rapid success in his chosen profession—conspicuous at the bar in Springfield, a legislator, a Congressman; a new home in the West with a national distinction to follow as a lawyer of renown, for that is what he acquired in California; and in a span he adopts the State of Oregon as his home and becomes a Senator within a few days, as it were. As a Senator he overrides all precedent, and we find him in the foreground from the very beginning of his Senatorship. It was not to be

that he should remain long on the Senate floor. It seemed to be ordered otherwise by fate. The ruling passion of his soul that "made his ambition virtue," an unconquerable wish to serve his country downed or suppressed all selfish suggestions of comfort. To repeat his own words in the House of Representatives in 1850: "I have bared my bosom to the battles of the Northwestern frontier in my youth, and on the Southwestern frontier in my manhood; and if the time should come when disunion rules the hour and discord is to reign supreme, *I shall again be ready to give the best blood in my veins to my country's cause.*" Magic words of a brave man! The time had come when he was ready to do at the cannon's mouth what he had declared. His noble soul was on the side of his country in the frightful contest, the fratricidal War of the Rebellion. His views in the Senate and in public assemblies stirred the hearts of his countrymen to rally to the support of "the best Government God ever gave to man."

No sketch of the life of General Baker would be complete that did not have a reference, though it may be a brief one, to his eloquent speech delivered on the amendments to the Constitution Wednesday, January 2, 1861, in the United States Senate, as follows:

"Mr. President, the adventurous traveler who wanders on the slopes of the Pacific and on the very verge of civilization stands awestruck and astonished in that great chasm formed by the torrent of the Columbia as rushing between Mount Hood and Mount St. Helens it breaks through the ridges of

the Cascade Mountains to find the sea. Nor is his wonder lessened when he hears his loudest tone repeated and reëchoed with a larger utterance in reverberations that lose themselves at last amid the surrounding and distant hills. So I, standing on this spot and speaking for the first time in this Chamber, reflect with astonishment that my feeblest word is reëchoed, even while I speak, to the confines of the Republic. I trust, sir, that in so speaking in the midst of such an auditory and in the presence of great events, I may remember all the responsibility these impose upon me to perform my duty to the Constitution of the United States which I have sworn to support, and to be in no wise forgetful of my obligation to the whole country, of which I am a devoted and affectionate son."

When Congress adjourned he attended a public meeting in New York in April, 1861, probably the largest ever held in the country at that time, and there surrounded by able men of that great city he aroused his countrymen to greater efforts in behalf of the Union. It was on that occasion he spoke by the side of the lion-hearted and patriotic Dickinson, himself remarkable for intellect and oratory, who, in a speech in Brooklyn, thus spoke of General Baker:

"Alas, poor Baker! He was swifter than an eagle, stronger than a lion; the very soul of bravery and manly daring. He spoke by my side at the great Union Square meeting in April, and his words of fiery and patriotic eloquence yet ring upon my ear. And has that noble heart ceased to throb—that pulse to play? Has that beaming eye closed in

death? Has that tongue of eloquence been silenced forever? Yes, he has died in the cause of humanity—

“Whether on the scaffold high,  
Or in the army’s van,  
The fittest place for man to die  
Is where he dies for man!”

It is not necessary to discuss why the battle of Edward’s Ferry was not different. To Baker’s fame it is all right. He fell in the cause of human liberty, in defense of the Union. He fell with his “back to the field and his face to the foe,” and so long as liberty has a votary on earth, so long as the name of Washington is revered among men and his principles cherished by his countrymen, so long will the name of Baker be remembered with gratitude and admiration.

One eulogist says of him:

“No man who knew Baker can doubt the sincerity of his noble disinterestedness to his political principles. In Illinois, in California, against overwhelming odds, he kept on in the even tenor of his way. As a statesman he was fixed and steadfast in the advocacy of his principles. He did not propose to embark with his friends on ‘the smooth surface of a summer sea.’ He was

“Constant as the Northern Star,  
Of whose true, fixed and resting quality  
There is no fellow in the firmament.”

In political contests he was undaunted; on the eve of battle he was unconquerable. With that dash of noble daring akin to genius that was ever aflame.

within him he would go where others seemed to fear to tread.

The day dawned on the 21st of October, 1861, of what was to be the most glorious epoch of his life. When he crossed the Potomac he went in obedience to duty's call to the "whole country, of which he was a devoted and affectionate son." He believed he was right and acting in the path of duty; and we can imagine as he stood on the banks of the Potomac, whose rushing waters, red with patriotic blood, were in a few hours to dash their waves on Mt. Vernon's shore, that he had some knowledge of the danger of death before him, that he had in his mind the noble thoughts to which he gave utterance in the Senate on the 2d of January previous:

"Right and duty are always majestic ideas. They march an invisible guard in the van of all true progress. They animate the loftiest spirit in the public assemblies; they nerve the arm of the warrior; they kindle the soul of the statesman and the imagination of the poet; they sweeten every reward; they console every defeat. Sir, they are themselves an indissoluble chain which binds feeble, erring humanity to the eternal throne of God."

It was on the fatal day of the battle of Ball's Bluff, while riding in front of his men and encouraging them by his cheerful words and manly bearing, that he was stricken, shot from his horse while rallying his forces on to victory.

A celebrated man thus speaks of him:

"He had as much unworldliness as Goldsmith; no love of filthy lucre ever found a resting-place in his heart. For years I have known him well,



and part of the time was associated with him in business, and never heard a profane word from his lips. He never uttered or wrote a line that could impair the high views of any one. As a man he was possessed of that most excellent gift, charity toward all who differed with him. He never indulged in bitterness of speech toward political opponents, nor toward those who had done him personal wrong. I have never known a man in public life whose heart more abounded in generous philanthropy for all mankind. He exhibited this feeling at the bar when he was conscious of his superiority over a younger adversary. He would have manifested the same generosity had he been victorious in the last battle of his life, and deserved the eulogium pronounced by him on General Taylor: 'Nor, sir, can we forget that in the flush of victory the gentle heart stayed the bold hand while the conquering soldier offered sacrifice on the altar of pity amid all the exultation of triumph.' "

It has fallen to the lot of few men to be distinguished at the bar, in popular assemblies, in the Senate, and in the tented field. Viewed in this light Baker's fame is the "tall cliff whose form overshadows other men of his day." Excepting our own Webster, no man of modern times has been so successful as Baker in the forum, in the Senate, and before popular assemblies.

We honor him especially for the spirit, which, like Curtis, prompted him to plunge in the gulf in the hope of saving his country. He was not impelled by any dream of ambition. Not being born in the United States he could not be President. He had

attained the highest position, in his opinion, on earth—a station, as he said, “more exalted than that of a Roman Senator.” He had attained a position among the first debaters in the Senate. His friend with whom he had played in childhood had become President of the United States, and that friend still loved him and rejoiced at his success.

At the union mass meeting in New York City, May 20, 1861, General Baker thus concluded a speech of great eloquence and power :

“And if, from the far Pacific, a voice feebler than the feeblest murmur upon its shore may be heard to give you courage and hope in that contest, that voice is yours to-day. And if a man whose hair is gray, who is well-nigh worn out in the battle and toil of life, may pledge himself on such an occasion and in such an audience, let me say, as my last word, that amid sheeted fire and flame I saw and led the hosts of New York as they charged in contest upon a foreign soil for the honor of your flag; so again, if Providence shall will it, this feeble hand shall draw a sword never yet dishonored—not to fight for distant honor in a foreign land, but to fight for country, for home, for law, for Government, for Constitution, for right, for freedom, for humanity, and in the hope that the banner of my country may advance, and wheresoever that banner waves, there glory may pursue and freedom be established.”

It would be unjust to his memory to omit to speak of his funeral oration over the dead body of Senator Broderick, who died under the “code of honor.” That one effort should crown him with immortality. Baker was a brave man. He has proved it often.

He proved it on the bloody field of Cerro Gordo, when he was praised by the greatest of living soldiers. Yet he knew that dueling was wrong. He gave his unqualified condemnation to a code which offers to personal vindictiveness a life due only to a country and to its Creator. Broderick had many good qualities that called forth Baker's admiration. Both had arisen from poverty. But let his denunciation of this barbarous code be remembered to his undying hour:

"To-day I renew my protest; to-day I utter yours. The code of honor is a delusion and a snare. It palters the hope of a true courage and binds it at the feet of crafty and cruel skill. It surrounds its victim with the pomp and grace of the procession but leaves him bleeding on the altar. It substitutes cold and deliberate preparation for manly impulse, and arms the one to disarm the other. It may prevent fraud between practiced duelists—who should be forever without its pale—but it makes the mere 'trick of the weapon' superior to the noblest cause and the truest courage. The habitué of arms, the early training, the frontier life, the bloody war, the sectional custom, the life of leisure, all these are advantages which no negotiations can neutralize and no courage overcome."

There was a moral courage and sublimity in it that has a fadeless luster, reflected by his glorious death. Not far from each other—

"Where ocean tells its rushing waves  
To murmur dirges round their graves"—

these two distinguished men will repose in Lone Mountain Cemetery until the trump of the Arch-

angel shall sound and summon this "mortal to put on immortality." Let their monuments arise to meet the eye of the ocean-worn exile as he comes nearer to his haven of rest. Let them tell the traveler, as the landscape fades from his sight on leaving our gorgeous land, that "the paths of glory lead but to the grave." Let parents of unnumbered generations encourage their children to love that country for which Baker died—to cherish our Government and its institutions which can thus advance the humblest of her sons. There let them rest, respected for their services, mourned by thousands of all nations now present who will unite with us in saying:

"When Spring with dewy fingers cold  
Returns to deck their hallowed mould,  
She there shall dress a sweeter sod  
Than Fancy's feet have ever trod."

## JOHN C. BRECKINRIDGE

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John C. Breckinridge enjoyed the distinction of being the youngest man to hold the high office of Vice-President of the United States. John Adams was 54 years old when elected to the Vice-Presidency; Jefferson, 53; Burr, 54; Clinton, 65; Gerry, 65; Tompkins, 43; Calhoun, 43; Van Buren, 50; Johnson, 57; Tyler, 51; Dallas, 53; Millard Fillmore, 48; William R. King, 66; while the subject of this sketch was 35 when elected to the high office. He was by far the youngest of the most prominent men of his day. He had a career that inspired self-reliance, and the rivalry of more experienced statesmen never shadowed his brilliancy of intellect, his oratory, his dauntless and matchless statesmanship.

John C. Breckinridge was a native of Kentucky. He was born near Lexington on the 16th day of January 1821; educated at Center College; enjoyed the benefits of some months at Princeton; and after a brief preparatory course in the law was admitted to the bar at Lexington.

Confident that a more fruitful field opened to him in the Northwest, he took up a residence at Burlington, Iowa, where after a short abode he returned to his native State. He entered immediately upon the practice of his profession, and met with well-

merited success. The trump of war excited military ardor in the young Kentuckian, and the result was creditable service as a major of infantry during the Mexican War.

On the return of Breckinridge from Mexico he was elected to the Kentucky Legislature, and created a favorable impression as a legislator. He was afterwards elected to Congress from the Ashland district, and being reelected, held his seat from 1851 to 1855.

It was not long before the name of Breckinridge was in the mouths, so to speak, of all reading people. He quickly won renown in the House of Representatives, where his clear, succinct statements and his logical presentation of every subject that he treated caused him to be put in the category of fluent speakers, and so fond were the members of hearing him address the House that whenever he took the floor the Speaker was glad to give him such time and recognition as a member was entitled to in that day. The records of Congress portray and bring out many of his beautiful and attractive speeches. Our attention is drawn to a sympathetic address he delivered in the form of a eulogy in support of a resolution he introduced on the 30th day of June, 1852, in respect to the memory of Henry Clay, who had just died the day previous. Mr. Breckinridge laid the fulness of his young heart on the grave of the great Kentuckian, in whom intellect, person, eloquence, and courage united to form a character fit to command.

"Standing by that grave, and with the memories of the great dead about him, the legerdmain of

politics appeared contemptible to him. What a reproach was Clay's life to the false policy which would trifle with a great and upright people."

"If I were to write his epitaph," said Breckinridge, "I would inscribe as the highest eulogy on the stone which would mark his resting place, 'Here lies a man who was in the public service for fifty years and never attempted to deceive his countrymen.' "

In the 32d Congress Mr. Breckinridge was instrumental in securing an appropriation for the completion of a cemetery near the City of Mexico, in which the remains of the American officers and soldiers who fell in battle in or near the city could be interred. He also secured an appropriation for a weekly mail with the Pacific, and advocated putting this contract out to the lowest bidder. Though he was not constantly in debate before the House, he took a prominent position, and sometimes in debate was sharp and effective.

He was elected Vice-President, having received 173 electoral votes, being 59 votes over William L. Dayton, the Republican candidate for the same office. Thus at the age of thirty-five he had served his country in war; had been a legislator in his native State and in the National Legislature; had been tendered the representation of the Republic in Europe, and elected to the second office in the gift of the people. Truly might the lines of the poet be applied to him: "He is almost sunk beneath the weight of trust and offices not merely offered but imposed upon him."

It is noteworthy that after the smoke of battle had



cleared away and the old Southern States sought anew their place in the Union under the protection of the flag, few of the great men of the old régime were permitted to take up the standard anew. Some were living in foreign lands, some had just returned to their old homes, broken in health by the rigors of war and all that it imposed on them; still others had passed to the "bourn from whence no traveler returns." How have the mighty fallen!

Is there an impartial writer of Southern history? Can the dead past be revealed in its true colors? Can the anguish, the mortification, the suffering of those years that followed the Rebellion ever be brought out by a disinterested, dispassionate, or calm pen? It is a sad picture when we look upon it, when we look into the old Senate Chamber in 1860 and see these men in their prime, with the very magnificence of Southern gallantry, with the courage of conviction something like that our forefathers had when they were willing to forfeit their lives and their fortunes for the Republic—it is a sad portrayal when we see these magnificent, grand men laying down their lives on the altar of conviction.

The life of Breckinridge alone is a pathetic story. He was one of the last senatorial group to cast his fortunes with the South. Great man—with all those characteristics that command the admiration and laudation of his fellows; born to command, with wealth on one side to promote his eminence and natural ability, holding an office that was second to the Presidency. It truly touches the hearts of all lovers of impartial history to look upon his life and see within what a short span it is reduced to the po-

sition of being despoiled, as it were; for though not yet in his prime when the Confederacy failed, he seemed to abandon hope, and never wielded a strong hand again, and never asserted himself more with the courage of old. After taking part in the Rebellion as a general—the war over—he resumed the practice of his profession. He died at Lexington, Ky., May 19, 1875, leaving a spotless reputation.

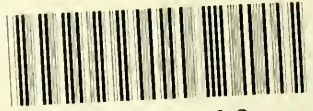








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